Preserve

App. F. IX-4

Previous References 1932 (Nuzvid

File No. 303-32

Serial Nos. 1-12

Later References.

Mucz 84 — 35, 1, 2, 3-4, 6, 8-9.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 12

Part B for January 1935.

SUBJECT.

Appeal re ~~Succession~~ affairs of Karisidda Matha Chickpet, Bangalore City

re S. Srikantaiya Advocate Bangalore
No 1492 of 31-1-35

WD 01965—GPB—15,000—7-7-34

forwards copy of the petition of the Karisidda Matha and requests direction as to what steps should be taken to recognise some person to the Head of the Matha ~~and~~ to claims of Channabasava's may also be considered in connection

Mug Appl 32 of 1932-33

[App. F. III—2

General and Revenue Secretariat | Mug File No. of 1932-3

Serial No.

Petition of V S S 33 from Mr. K. N. Srinivasan Advocate filed on behalf of his client Sri Channabasava Swami Kanakadevana matha Chikapet Bangalore City appealing against The order No R dis 191/32-33 dated 18/3/33 passed by the Mysore Commissioner in a case under Sec 9 of his Court and praying that the above order may be set aside and the Trust deed restored to effect be cancelled as also the alienations made by the respondents.

The appeal is presented in time and is subscribed & stamped as required by the rules. In view of the grounds urged in paras 7-9 & of the allegations set forth in para 10, CA & orders of the appeal may be admitted & records called for

The records may be called for.

23/5/33

Office of the Second Member of Council. 2 JUNE 1933 No. 5120

2nd Mr)

31/5

31/5

NOTE—Contn. Sheet.

W D 70—GBPM—60,000—13-S-31.

Muz Appl 3 of 1932-33

File No. of 193 | General and Revenue Secretariat

Petition of 26-5-1933 filed by Mr K. N. Srinivasan Advocate on behalf of Sri Channabasava Swamiji of Karisiddadevaru Mutt Chickpet Bangalore City stating for reasons set forth therein that the Appellant may be given a hearing before the issue of orders.

The request of the petitioner in the foregoing Complied Notes only after the connected records are received - Memo calling for the same as directed in para 2 Supra put up on the P. U-D I is for Kind Signature

Sd/- 4/6

6) Dy 7/6

Sent to Muz Comr vide no 1741 of 8-6-33. 3

13/6

Letter no 1476/32-33 of 6.10.33 from the Muzrai Commissioner submitting records pertaining to the appeal preferred by Sri Channabasava Swamiji claiming to be the Swamiji of Sri Karisiddadevaru Mutt Chickpet. Bangalore City. 4

The decision is in favour of the petitioners

Mug Appl 32 of 1932-33

General and Revenue Secretariat | Mg3 File No. | of 193 | [App. F. III—2

Serial No.

1) The Mutt in question is a Mug Instn endowed with Inam lands & the succession to the pontiff of the Mutt is governed by the principles enunciated in G.O no 233-42/ Mug. 7102-92 dt 14.12.95 vide Sl nos 9 & 10 of the Bangalore Town Deed Register pertaining thereto - The pontiff of Kaivara Vadayara Mutt endowed with lands at Gollegala & Kaivara Siddaappas Mutt at Bangalore Pettah endowed with lands in Guranjanahalli is found to have been occupied by Channa Basava Swami prior to 1910. as seen from the lease deed dt executed in favour of the above Swami. That Channabasava devaru was the Swami of the Mutt is found in the report of 25/8/08 - It is found from the records that Channa Basava swami left the place to Athani to undergo training in Yoga-Abhyasa & this was done at the instance & under the instructions of the Murgi Swami. It is his return on Siddaveera Mari devaru was asked by the Swamis of the Murgi Mutt to be locum-tenens for him & thereafter the pontiff of Kaivara Siddeshwara Mutt vide Sri Channa Swami's letter to the Amildar, Bangalore Taluk before his going to Jogabhyasa The facts of the case are fully set forth in S.W.O.'s findings in his Mug case 13/29-30 on the file of his Contt. Office for 12 of his decisions dt 23.11.31 containing certain

Bangalore Town records

Vide Paper Sep-

The decision of the Govt in the present

NOTE—Contn. Sheet

$2 of 1932-33

Mag Affidavit re Chauna basava Swami
Claim of the Head of Sri Kari
Mutt

File No.	of 1932	General and Revenue Secretariat

ex respondent Swami. The views of the D.C Bangalore in the Subject areas in his letter dy 4.10.32 — He has desired that the present appellant has to establish his right in a civil court. That the respondent Swami is very old has been admitted in his Statement produced before the S.D.O.

× Papers flag

& this is upheld by the Mr. also

× P,

8) As this is a mezz. Inst. The procedure to be followed is governed by rules of 14.12.1892, it is submitted that approval of Govt to necessary for making a nomination to the Mutt. The records for the show that Chaunabasava Swami had occupied the Peeta prior to 1910 & as he has now returned after training claiming his right to be the head of the Mutt, whether the Case may be posted for a hearing is for orders —

× pages 161 & 162 of the Manual

Submitted
25/12
16

9) Put up on 21st please after my return
16/12

10) Submit as directed above
21/12/33

11) Submitted for orders as to the date of hearing.
A Separate note re points of the case will be prepared & Submitted before the date of hearing. 22/12/33

2nd Secy) at
The next hearing of your case & whether a date has been fixed
22/12

Office of the Second Member of Council.
23 DEC.
No.....

2/1/34

Serial No.

5 Petition of 3-1-34 filed by [illegible] Srinit Advocate Bangalore city on behalf of Client the appellant Channabasavaswamy Stating for reasons set forth therein. That the appellant be allowed to assume possession of Sri Kari Siddeswara Mth and its properties and that in the meanwhile the lower Mugrai officers be directed to take possession of the Mutt and its properties immediately to avoid further loss and misappropriation by the second respondent.

The facts of the case are as follows:—

13 It is ascertained from the records that Channabasava Swami (the Appellant) was the head of the Sri Kari Siddeswara Swami Mutt in Chickpet Bangalore city In 1909 the Swami of the Sri Murgi Mutt directed the said Channabasava Swami to proceed to Athani in Belgaum Dt. for further Studies handing over Charge (as personally instructed) to Siddaveria Swami who was to look after the Mutt during the former's absence. Vide letters of 1-11-09 & 13-11-09 addressed by the Swami of the Murgi Mutt to Siddaveria Swami & Channabasava Swami respectively.

The said Channabasava Swami accepted the above fact to be [illegible]

NOTE—Contn. Sheet.

No 320 of 1932-33

Hm3 Appl/Re: Location of Sri Kari Siddaswara Mutt

" Insp-wise J

File No. of 1932 | General and Revenue Secretariat

Bangalore Taluk & proceeded for further Enquiry.

After the return of Channabasava Swami from Athani, Siddaviria Swami (who was only a locum tenens during his absence) refused to hand over charge of the Mutt to the former.

Channabasava Swami thereupon appealed to the S.D.O Bangalore who decided that Siddaviria Swami (First respondent, might be evicted & Channabasava Swami (Appellant) restored to the headship of the Mutt, & that the Maki appointed by the respondent Siddaviria Swami & the Trustee be both unauthorized ~~acts~~ cannot be recognised.

But the D.C Bangalore in his order of 4.10.32 expressed the opinion that no interference was called for by the Mur-officers in the case & that the claim for the headship of the Mutt should be established in a Civil Court; also that has not been shown that the previous approval of Govt is necessary in regard to the selection of a Main of the Mutt.

The AC agreed with the DC in respect of the claim for the headship the Mutt, but differed from him in respect of the selection for the headship of the Mutt & held that according to Virakta Mutts of the kind regulated the approval of Govt as the Mutts enjoyed Govt. grants whether in the shape of inams or cash.

Mug Appl / Re heard last Month

Serial No.

Chamarasavadevaru appealed against the above decision of the M.C. & the Case has been adduced to be posted for hearing on the 29th January 1934. (vide para 12 of M.C. decision)

19. Meanwhile the Appellant has filed another petition dt 3.1.'34 stating that the First Respondent Siddaveeraswamy passed away on 26.12.1933 and has made the following prayers:—

(1) That he may be allowed to assume possession of the Mutt & its properties

(2) That the Mutt & its properties may be adduced to be taken possession of by the local Revenue Officers to avoid further waste & misappropriation by the 2nd respondent Siddhanthi Gurubarasaradhya, the trustee appointed by the deceased first respondent

20. Under the above circumstances now brought to notice, it is submitted that it does not appear necessary to hear the Case & it is for orders whether the present petition dt 3.1.34 may be forwarded to the M.C. & he be requested to take further action

NOTE—Contn Sheet.

WD 70—GBPM—60,000—13-8-31

Mag Appl 32 of 32-33

File No. 303 of 1932 | General and Revenue Secretariat

accordance with the above second request of the appellant; and as regards the first request, to ascertain from the Swami of the Murgi Mutt whether the facts as stated in the petition are correct & whether there is any objection to the appellant being now appointed as the Swami of the Mutt in question.

Keelo 10/1/34

The above office note clears explains the facts of the case. The Mutt is one subordinate to the Murgi Mutt and the selection of the Swami of this mutt is made by the Swami of Murgi Mutt and has to be approved by Govt. The appellant is one duly appointed by the Murgi Mutt and since the 1st respondent who was duly a locum tenens also appointed by the Murgi Mutt is dead, there appears to be no necessity to hear the appeal. The 1st respondent being dead the 2nd respondent who is his nominee has evidently no claim

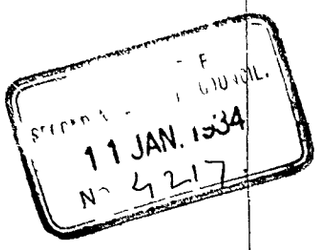
22) If approved the present petn of the appellant will be forwarded to the M.C. with the request that

1) Steps may be immediately taken to secure the properties of the Mutt

Mez. Appl. / Re: handing over of Mutt - Orders

General and Revenue Secretariat | File No. 267 of 1934. | [App. F. III—2

Serial No.



and (2) to recognise the appellant as the Swami of the Mutt after ascertaining from the Mungi Mutt authorities that he is the person selected by them.

10/1/34

H.S.C.J.) 23

2nd (M.)

11.1.34

11/1/34

2nd) I agree —

16/1

17/1/34

2nd Draft D.O.

17/1/34 2nd) Issue forthwith.

17/1/34

6 No 994 of 18-1-1934 to the Mezzai to take steps to Commissioner requesting him to secure the properties of Sri Karisiddeswara Swami Mutt Chickpet Bangalore city and to recognise Channabasavaswami as the Swami of the Mutt after ascertaining from Sri Mungi Mutt authorities that he is the person selected by them.

Issue 19.1.34

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

May Review ~~Appl~~ no 85 of 1933-34.

File No. 303 of 1932. | General and Revenue Secretariat

Serial No.

Petition dy 10.2.34 filed by Mr S. Srikantaiya Advocate Bangalore & city on behalf of his client Sidhanti Gureshwarswami Sahib stating that an ex parte order is understood to have been passed directing the assumption of the properties of Sri Kanishwara Mutt and recognising Channabasaveswami as the Swamiji of the Mutt after ascertaining from the authorities of Sri Murgi Mutt that he is the person selected by him and praying that effect may not be given to the ex parte order passed pending disposal of the petition -

27. It is usual to affix a copy of the order appealed against; no such copy is enclosed: if this is an appeal pet, the petr has to submit a separate petn under the rules for the stay of orders passed -

28. As for the full facts of the case, Hon'ble Mr Rice is invited to the note in paras 13 to 21 supra. The present petr is, as noted in para 21 supra ~~to be~~ merely a nominee by the deceased Swamiji, evidently having no claim & this has been stated in para 24 supra - (vide Second Member's order). In these circumstances whether the petr has to receive any consideration is a matter for orders - Submitted with Hon'ble Mr Rice to the orders on the P.U-d -

G.S 13/5

Serial No.

29. The petitioner in the present case is Santaveera Vadeer minor by guardian Siddhanti Gurubasava Sastry.

30. The order referred to by the Petitioner and appealed against is evidently the order communicated to the MC in this Office letter No. 994 dt 18.1.1934 to secure the properties of Sri Kari Siddeswara Mutt in Chickpet, Bangalore city.

(30)(a) The petitioner objects —

(1) to the authority of the Inamdar Mutt to select a person to succeed to the Mutt,

(2) to the right of any such person to obtain possession of properties of the said Mutt, &

(3) to the right of govt. to issue order in question.

31. As regards (1) & (2) it may be stated that it is the Swamis of the Inamdar Mutt who in his letter dt 1.11.09 directed Siddamaradhya (since deceased) to look after the Mutt during the absence of Channabasava Swamis who was instructed to proceed for further Studies Vide para 3 of Note supra. If the petitioner's objections (1) & (2) should be valid neither the petitioner nor his guardian can have possession of the properties of this Mutt as they desire their title to hold the same from deceased Siddamaradhya as a locum tenens appointed by the Swamis of Inamdar Mutt

NOTE—Contn. Sheet.

WD 0434—GPB 15,000—12-10-33

Mez Review no 15 of 33-34

File No. 303 of 1932

General and Revenue Secretariat

Serial No.

It is therefore for consideration if the first two objections can be considered to be tenable.

32. As regards No.(3) re. right of Govt. It may be mentioned that the Mutt being a Murasi institution, succession to the Pedta of the Mutt has to be recognised by Govt. In the concluding portion of the M.C.'s order of 24.3.33 he has expressly stated that recognition of succession by Govt. is obligatory as per terms of Govt. No. 233-42/ Mucr. 102-92 of 14.12.1892.

33. As regards the statement made in the sub para of para 4 of the petition that the nomination of the deceased Siddavirabhavaru as head of the Mutt had been approved by, Govt. it is submitted that this statement is not borne out by facts. There are no records to show that Govt. ever recognised this man as the Swami of this Mutt. On the other hand the records go to show that Siddavirabhavaru was only a locum tenens appointed by the Swami of the Mungi Mutt during the absence of Channabasava Swamie. (Vide para 14 supra). He has thus no right to the headship of the Mutt, much less to nominate a Mani to the institution.

34. Siddavirabhavaru is now no more. As he himself had no right to the headship of the Mutt, being only the nature of a Trustee, the Mani unauthorizedly nominated by him can have no manner of claim on the Mutt which is a Murasi institution as pointed out above.

Revn no. of 1932-34
M/s. ~~Appeal~~ against the orders of Govt requiring
Channabasavaswami as Swamiji of Sri
Kanchadevaraja Mutt, Chickpet, Bangalore &
Others

General and Revenue Secretariat — File No. 303 of 1932. — [App. F. III—2

Serial No.

35. What Govt have now ordered is that the properties of the Mutt may be secured & that steps should be taken to recognise the proper Swamiji in Consultation with the Muzi Mutt.

36. The Connected records on which the office note at paras 13 to 20 supra is based have been returned to the M.E. with the office letter of 18.1.34 referred to above.

37. In view of the above facts it is for orders whether the present Appeal petition may be allowed & the request for a Stay order considered.

Recd
15/2/34
Secy

15/2/34.

2nd M.E.

15/2

15/2

There is no Question of a Stay order — The petn may be now dealt on its merits. He states that the order was ex parte was he entitled to any notice before orders were passed

15/2

15/2

4th D/R submd. The file will be returned with Minutes in para 41 supra.

16/2

19/2

NOTE—Contn. Sheet.

WD 0434—GPB—15 000—12-10 33

Review

Muz ~~Appt~~ No 85 of 1932-34

File No. 303 of 1932

General and Revenue Secretariat

Serial No.

No 1105 of 19.2.34 to Mr S. Srikantaiya Advocate Chickpet Bangalore city intimating that the request of the petitioner for a stay of the orders passed in respect of the properties and headship of Sri Kari Siddavaddiyar ~~of~~ Bangalore city cannot be complied with.

Endt No 1106 of 19.2.34 to Mrs Siddhanthi Gurubasava Sastri forwarding copy of the above communication.

No 1107 of 19.2.34 to the Muzrai Commissioner forwarding a copy of the above in continuation of letter No. 994 of 18/1/34.

3) As seen from P.R.D the petr is one Santaveera Vadeer & he is not found to be a party in the Muz. Comm's Court (vide copy of the decision ~~order~~ given by the M.C & appended to P.R.D). How was his Name found in the ~~list~~ petition received from Channabasavaswami & as such it may be said that he was not entitled to a notice before the orders in 994 of 18/1/34 were passed & communicated.

4) As regards Mr Siddhanthi Gurubasava Sastri who has signed the petn (the P.R.D) in which he has styled himself as the guardian and Trustee of the minor Santaveera Wadeyar, kind reference is invited to para 2 supra wherein he is noted to have evidently no claim.

× E

Review No. 15 of 1932-33

Mag 3 Appeal against the orders of Govt recognising Channabasavaswami as the Swamiji of Sri Kaiwara Taravu Mutt Chunchanakatte Bangalore [Appellate III-2

Serial No.

& as such not entitled to a notice in as much as the minor for whom he says he stands as guardian is not entitled to one

(46) As regards other points, kind reference is invited to the rulings in paras 31–34 supra & in these circumstances whether the petr deserves any consideration is a matter for orders —

G.S. 21/2 (46) Submitted with reference to Minute in para 40 supra.

~~[illegible]~~

47 The petr's case is one Santa Veera Vadeyar Minor by Guardian Gumbasava Swamy. As will be kindly seen from the Copy of the order produced by the petr (Flag W) the petr was not one of the respondents in the appeal before the Govt. The Guardian Gumbasava Swamy was the 2nd respondent as Trustee appointed by the 1st respondent.

48) Again in the appeal petn of Channabasava Swamy (Flag H & A) the petr does not find a place.

49) As such the petr could not have been summoned even if the appeal had been heard. It can hardly be said that the petr was not entitled to any notice.

50) Kind reference is also invited to Secs 38 & 39 of the Mysore Religious & Charitable Institutions Regn of 1927 relating to appeals. There is nothing in these Sections to show that parties shd be heard before [illegible]

* Page 10 of the Mem. Regn [illegible] Flag I

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12 10-32

Hig Review No 15 of 1933-34
Hig ~~Appeal~~ against the order of Sjmt
Recognising Channabasava Swamiji
as the Swamiji of Sri Kanibiddeswara Mutt
Chickpet - Bangalore city

Hig File No. 303 of 193 2

General and Revenue Secretariat

Serial No.

disposed of. Parties are given a hearing only when such a course is considered necessary. In all these cases appeals are disposed of after perusal of records. As such the parties cannot be said to have been entitled to any notice or hearing.

For reasons set forth in paras 13 to 21 of the order above there does not appear to be any reason for reconsidering the orders already passed.

of 32 to 35

22/2/34

Fl Secy)

2nd dtd)

OFFICE OF THE SECOND MEMBER OF COUNCIL. 22 FEB. 1934 No. 5787

22/2/34

This file has returned to the Br linked to G.O. No 937/33-34 fixing 9th April 1934 as the date for hearing the petns.

GS 13.3.34

TYPING SEC. APRIL 2 1 NOTE-Form Sec.

General and Revenue Secretariat | 1743 File No. 303 of 1932-3 | [App. F. III—2

Serial No.	
	Petition dy 21-2-34. from Messrs Désada Rudra Selly, Désada Rudrappa Selly & other Lingayets praying, pending disposal of the petition, emergent orders be passed staying execution of the Co Court order in favour of Sri Channabasavaswamy for the Peeta of Sri Karisiddawodeyar Mutt Chickpet Bangalore city.
531	Minute of the P.U.: — (1) Presented by the Advocate. He asks for a stay order — Post for arguments early".
54	(2) The connected file declining the grant of a stay order on the pet[n] of one Gurubasavaswamy who was stated to be the guardian for the minor Santhaveera Vaddar refd to in Para 11 of the P.U.d.
55	(3) Order of the Asst Sec issued in person.
56	(4) Call for the connected records. Records were sent & transmitted to the M.C. with this office letter No 994 dy 18/1/34.
57	(5) Dft. sent herewith.
	(6) For perusal before issue
	27/2
	1/3

TYPING SECTION 1 MAR 1934 GEN'L. & REV SEC'T

NOTE—Contn Sheet

WD 0434—GPB—15,000—12-10-32

File No. of 193 .

General and Revenue Secretariat

Serial No.

No 1187 & 572/34 to the Muzaie Commissioner
Calling for the records connected with the
petition subject referred to therein.
61 opp. No. remainder blank —

(V) 2/12/13

G.W. 1273 9/12

issued No 1286-87 23.3.34 to the
Muzaie Commissioner calling
for the return of records referred
to therein.

Issued 2/3

Mug Review 1607-33-34

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

5/637/13. 63) Vide orders of the Secretary Member of Council on the P.W.D. Post for arguments Very early".

64) The connected file is before the Secretary Member. Records have been called for from the M.C.

65) Orders are solicited as to the date on which the Petitioners in the P.W.D. will be heard.

7/3 66) Submitted for orders

II Member) 7/3/34

67) Some date in April may be fixed

(68) 9th April may be fixed

2/12/3

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

App. F. (III—3)

DEWAN'S MINUTE.

General and Revenue Secretariat

File No. 192

WD 1869 - 1PB—2,000—23-3-2)

Date of submission	Date of Return	Date of issue of orders in the Secretariat	Remarks

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

b] D/s [illegible] Rieu 1.a.3
G.S
23/3 10) 2 c 26/3

Other notices in Kannada
+ English also ordered
to personally directed
G.S
26/3

Issued

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

App. F. III—3)

DEWAN'S MINUTE.

General and Revenue Secretariat

File No. 192 .

W D 1860- GPB—2,000—23 3 25

Date of submission	Date of Return	Date of issue of orders in the Secretariat	Remarks

Mutt Review Re: headship of Sri Kari Siddeshwara Mutt - Chickpet Bangalore city

General and Revenue Secretariat — Mutt File No. 303 of 1932. [App. F. III—2

Serial No.	
7	Petition of 28 2 34 from Shri G. Santaviraiah and other devotees of - Sri Kari Siddeshwara Mutt Chickpet Bangalore city. Stating that the Mutt is a Viraktha Mutt under the Control of the Sri Murugarajendra Swamy Mutt Channabasavaswamy who by education and training is competent to carry on the functions of the Mutt be permitted to take Charge of the Mutt and its properties or the properties etc may remain in the hands of Government the Government in Consultation with Sri Murugarajendra Swamy Mutt settle the Guruship of the Mutt.

71 That the Mutt in question is a Viraktha Mutt is admitted in the decisions given by both the D.C. Bangalore & the M.C in the appeal cases on the files of their respective Courts, though the two officers may have differed in point of obtaining approval of Govt to the Succession to the Mutts of the kind. Orders of Govt already been issued in this office letter no 994 of 1871/34 to secure the properties of the Mutt - It is against this order the Swamy & certain other devotees on his behalf have preferred appeals to the Govt; the Case has been posted for hearing on 9th April 34. The receipt of records from the M.C. is awaited — to pursue

27/3

27/3/34

NOTE—Contn. Sheet

WD 0434—GPB—15,000—12 10-32

File No. of 193

General and Revenue Secretariat

Serial No.	

1476
32-33

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE.

Bangalore, 26th March 1934

GEN'L & REV. SECRETARIAT
1072
28
MAR

N. Madhava Rau, Esq., B.A., B.L.,
~~The~~ *Muzrai Commissioner in Mysore,*
Bangalore.

S. Shamanna, Esq., B.A.,
Secretary to the Government of Mysore,
Financial Department.

Sir,

With reference to your D.O. reminder in the matter of submission of records relating to the Headship of Sri Kari Siddeswara Mutt, Chickpet, Bangalore City, I have the honor to state that the records have not yet been received from the Deputy Commissioner to whom an urgent reminder has been ~~is~~ issued to-day. The records will be submitted to Government after their receipt in this office.

I have the honor to be,
Sir,
Your most obedient servant,

N Madhava Rau

Muzrai Commissioner.

in a day or two from the date

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

Serial No.

73) The case has been posted to 9th April 193.
+ the records file was in other cases which have
to be sent to the Member two days
earlier. On receipt of record, a
process will also have to be prepared,
which after the gen'l is fixed in the
the main file. As practically there
is no time to the last, if appl, the
M.e. will be requested not to hear the
the records are dealt from the D.C
& there are possible steps to get
in a day or two from the lower Hqrs Offs

NOTE—Contn. Sheet.

WD 0434—GFB—15,000—12 10-3?

Mag Review re: The headship of
24 Sri Kari Siddaveerappa Head Clerk
Bangalore City

Mys. File No. 3043 of 1932 General and Revenue Secretariat

Serial No.

& submit the same before the 4th Proceedings
74 Dft. Dos. amended as ordered for order
Gen 2/4
Do as revised.
To fair copy may be put up to file for signature.
2/4

Issued No 1318 dy 2-4-34 to the Mazrai Commissioner calling for the submission of records before the 4th inst. Without fail

Letter no 1476 dy 2/4/34 from the Mazrai Commissioner submitting records connected with the case re: The headship of Sri Kari Siddaveerappa Head Clerk. Bangalore City.

Orders on the P. M. D:—

Yes:-

A copy of the file should be given to the parties asking for it today a precis should be drawn.

Copy of this file has been separately granted to the applicant - The review case which was posted to 4th April 1931 has since been adjourned at the instance of Mr. V. Subramanya & V. Krishnappa Advocates for the petitioner. In view of this the hearing will be fixed before the close of this month.

For appl orders thereon —

9.4

9/4

TYPING SECTION

mrs 9 2/4
Posted to 4th April 1934 the 9th April 1934 but since adjourned at the instance of Mr. Advocates for petitioner

mrs 9/4

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Petition by sri Channa venkatapa and others of Sebikere - Chickmagalur Taluk Shimoga, that the Sri Murgi Mutt acted formerly against the interests of Sri Balekoorne Mutt, that the Petitioner Channabasava Swami in my Review 15 and 16 of 33-34 is a follower of the Murgi Mutt and that the Peeta of Sri Kasivilasa Mutt Chitrapat Rampur exercising jurisdiction is following and observing the principles of Panchacharya Mutt may not be allowed to be occupied by Channabasava Swami

The Counsel for the Petitioner

File No.

Before the Hon'ble Mr. Justice Leach

Case was last time heard on 1st April and posted for hearing on 17th.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record]

That Kari Siddaveera Swami
Mutt is a Virakta Mutt
has been noted by The Sub Court in their
decisions - That the Mutt
is following Customs Etc as
Panchayat Mutt is hereditary.

The petitioners also
pray That the main nominated
by the deceased Siddaveera Swami
may be Continued & Channabasava Swami's
Claim ... That Siddaveera Swami
deceased
occupied the Pecta before the
Institution of Suit has
not been established so far
either by the main or the guardian
on his behalf. The Receiver
has already been removed
before Mentioned & hence it is
to be placed in the Connected File.

GS 19/8/24 MV.

NB. Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

Yes.
16/8

GS Restored

GEN
23 AUG 1934
OFFICE OF THE SECOND MEMBER OF COUNCIL
No.

T. P. Basavalingappa
Adv. Shankarappa
M. Venkatappa
For the Wealth assessment
M. S. S. Varma, opposite party. Yadavrao
K Ramaraiya.

(1) This is a petn praying to call for records from certain subordinate tribunal. The Commissioner in Review case no 15 of 33-34 which was partly heard on 4-8-34 finally closed on 17th (case pertaining to Hadadhalli village Kasaba Hobli Chikballapur Taluk) is before the member of council for orders, after the Counsel for both sides was heard.

2) After the case was heard on 4th, a similar petn from certain subordinate officers. Considering the matter was reserved & after perusal, it was placed in the connected appeal files for orders

3) The present petn & the other case may be disposed of as an Acharya mutt, following the principles of the Shri Shankara Mutt

M. Sivalingappa.
Halabevy

Pet relating to Sri Kasivisvadeva Mutt Chief Examiner.

General and Revenue Secretariat — File No. — of 193 — [App. F. III—2

Serial No.

It is clear from the records in the Main File and also the ~~Asst~~ M.C's findings that the Mutt in question is a Viraktamatha. It may also be noted that the deceased Veerabhadra Swami has affixed his signature to a pet addressed to the Educational authorities wherein he and the disciples of the Mutt has admitted that the Mutt is a branch of Sri Nyapathi Mutt i.e. Channabasavaswami, (the Trustee petitioner) who has come forward claiming that the Swamiji of the Mutt is a follower of the Nyapathi Mutt known as Sira Mutt records. The present petitioner say that the said Channabasavaswami has no manner of claim for the Mutt. The lease of 1906-07 of Inam lands enjoyed by the Mutt & the R.R. office records show that he was formerly the Swamiji of the Mutt before he went to Ashram for Yoga Bhyasa in 1909-1910. Hence the Trustee has no

(Pet and are in the appl records)

1449 2/9/4.

27/8/34 MW 25/8/34 4)

(If approved this will also be placed in the main file.

II Member)

27/8/34

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

1/8/34

File No. of 193 .

General and Revenue Secretariat

Serial No.

Revision petn no
May Cl. 15 of 1933-34 re The
headship of Sri Kasi Sodda Vadeya Mutt
Chitrapur

General and Revenue Secretariat — May File No. Chitrapur of 193 — [App. Æ. III—2

Serial No.

10 Petition of 8/7/34 from S. Oddanti Gurubasava Sastri — Sri Kasi Sodda Vadeya Mutt Chitrapur Bangalore city praying for a stay of the order passed in re: The headship of the Mutt and the properties endowed thereto.

80) The petitioner's counsel and the petitioner himself have been informed that no order can be given on the petn as the case is posted to 19.2.34 and no notice is necessary. The petitioner is however a respondent in the appeal and is entitled to notice of the hearing - If appeal is admitted notice will be issued.

19.2.34.

X C.

Case is posted to 4th Aug 1934

81) Advocate for petr. The case is posted to 4.8.34 and it may be noted here that when the case had been posted for 14.5.34 it had to be adjourned as agreed to by the petrs counsel himself.

7th Secy)

2nd Mr)

88
10/7/34

Bx
11/7

SECOND MEMBER OF COUNCIL
12 JULY 1934
No. 21

82) Jor
19/7

Ordered to serve
Mr 4th Aug 1934

83) The case was called on 4th Aug 1934 and the advocate for the parties were present and heard the Case

19/7

NOTE—Contn. Sheet.

WD 0484—GPB—16,000—12-10-3

Mucz Review : re: headship of Sri Kanta Vadaca Mutt - Conjeevaram etc

Mucz File No. 303 of 193 2 | General and Revenue Secretariat

Serial No.

adjourned to 17th Aug 1934.

-84 In the course of argument the Advocate Mr S Srikantaya for the Review petitioner - prayed for a stay order of the Board Member

Appln dsd accordingly —

G.S 4.8.34

86 Monday 4/8 11

No 1599 dy 4.8.34 to Mr S Srikantaya Advocate for the review petitioner intimating the grant of his request for a Stay order.

No 160 dy 4.8.34 to the Muzrai Commissioner forwarding a Copy of the above in connection of this Office No 1107 dy 19.2.34.

87) Case was Called on 17th Aug 1934. ~~The Counsels for both the parties~~ Heard and heard. Heard Mr K N Sriniwasa Iyengar Appellant Mr Srikantaya for 2nd Respt Mr Seshachar for one set of petrs & Mr S Krishnappa for another set - Order reserved

17/8

Serial No.

8) I agree with the Inzrai Commissioner that succession to Mutts of this kind requires the previous sanction of Government as they enjoy Inam lands granted by Government. The succession to the headship of this particular mutt in question should be settled by Government in accordance wit the rules on the subject. The appellants contend that as regards the claim of the counter petitioner for being put in possession of the Mutt, no where previously has his right been formally acknowledged by Government and that the alleged right of the Murigi Mutt to nominate the head of this Mutt does not exist at all and that he has therefore no right to be the head of the Mutt. After careful examination of the circumstances, I agree that there is force in this contention. The previous order of Government dated the 18th January 1934 has to be modified in this respect. It appear from the records that Siddavira Swami is now dead and some steps have therefore to be taken now to recognize some person to the headship of the Mutt. This may be done now and the claims, if any, of Channabasava Swami may also be considered in this connection.

-/pR 15/1/35

8/; Re 1111/35

11/1/35

14/1/35

Note—Contn. Sheet.

90 D/C ordered

G.S 16/1 71

Put up typed draft as revised please for approval 17/1/35

Income Tax Circular 15th and 16th of 1933-34

File No. of 193 | General and Revenue Secretariat

Copy of Typed draft as discussed in Conf. held

97) For approval

17/1/35

Ch: Secy) The draft should be a little more self explanatory. Should contain brief summary of the previous facts & the point for decision and should be helpful. Pl. revise

17/1/35

18/1/35

Necessary additions are made & the Typed draft is

98) Please put up typed draft as revised — today

25/1/35

Revised typed draft submitted

25/1

98) For approval

25/1/35

Ch: Secy)

99) For approval

26/1/35

II nd Income

100

28/1

29.1.35

101)

29/1/35

298

26/1

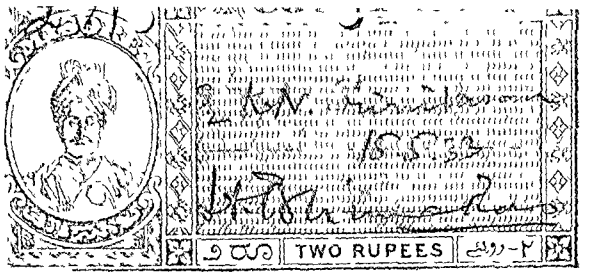
Serial No.	
12	No 1092 dy 31.1.35 to Mr S. Srikantaiya Advocate forwarding Copy of the decision given on the Review Case & intimating that the Stay order communicated therein is withdrawn.
	No 1093 dy 31.1.35 to Messrs S. Krishnappa and V. R. Vasudeva Shastri Advocates forwarding Copy of the Orders passed in the Review Case stated therein
	No 1094 dy 31.1.35 to Mr K. N. Venkatarama Advocate for the 1st Counter Petitioner forwarding Copy of the Judgment given in the Case.
	No 1095 dy 31.1.35 to Mr C. Seshachar Advocate for the 2nd Set of Counter Petitioners forwarding Copy of the Orders passed on the Case —
	No 1096 dy 31.1.35 to the Inspection Commissioner forwarding Copy of the Orders passed on the Case with the intimation that the Stay order communicated in this office letter no 160 dy 4.8.34 is withdrawn —

Rd 353
4

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12 6 31

File No. of 193 . | General and Revenue Secretariat



Muzm. Pamphlet on 15-5-33.

B 15-5-33 L/595

May 3-3-33

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE - MAHARAJA OF MYSORE - B A N G A L O R E.

Muzrai Appeal No. 32 of 1932 - 33.

APPELLANT:- --(VS)-- RESPONDENTS:-

Sri Chennabasava-Swamy of Sri Karisiddevara Mutt, Chickpet, Bangalore City.

1. Sri Siddaveera-Swamy.

2. Siddhanti Gurubasava-Sastry,

Karisiddevara Mutt, Chickpet, Bangalore City.

Under Section 38 of the Mysore - - Religious and Charitable Endowments Regulation, the appellant above-named respectfully begs to prefer this appeal against the order of the - - Muzrai Commissioner in Mysore - No.R.Dis.191 of 1932 - 33 dated 24-3-1933, filed herewith, and begs to submit the following grounds of objection to the order appealed from:-

1. The Learned Muzrai Commissioner, having found that the Mutt in question was a Muzrai instution and that it had been endowed with inam lands ought not to have declined to assume Jurisdiction to decide the matters before him.

2. Considering

2. Considering that it was admitted by the Respondents and was also proved by the appellant that all the properties of the Mutt including the inam lands granted by the Government had been alienated by the 1st Respondent in - favour of the 2nd Respondent under the Guise of a so/called registered trust Deed, there was ample reason for the Learned Muzrai Commissioner to interfere and to cancel the alienation and to restore the properties to the Mutt.

3. That the so called trust Deed has - come into operation from the date of its execution is apparent from the document itself and also from the fact that the 2nd Respondent is now dealing with the properties as if he were the owner - and has been altering and reconstructing the Mutt-building.

4. The Learned Muzrai Commissioner has not considered the Report submitted by the Learned Sub Division Officer of Bangalore Sub Division - who has enquired into this matter after recording evidence in this case.

5. The Learned Muzrai Commissioner and the Deputy Commissioner - have both erred in finding that the Matter was one of a civil nature and that they cannot interfere and decide the case.

6. The

6. The Learned Muzrai Commissioner has erred in finding that no circumstances had arisen which justifies action being taken under Section 25, of the Regulation and that no information was furnished as required under Section 26 of the Regulation, and that the dispute was only as regards who is the rightful owner of the Mutt.

7. The Learned Muzrai Commissioner has failed to see that the appallant's prayer among other things was to cancel the alienation of the Mutt properties conveyed under the trust deed, and to do so the other matters regarding the competency of the 1st Respondent had necessarily be gone into.

8. The Learned Muzrai Commissioner had every Jurisdiction under Section 30 of the Regulation and his failure to assume jurisdiction to cancel the alienation and to restore the properties to the Mutt has caused considerable injury to the appellant and to the institution.

9. Having held that the 1st Respondent was not an undisputed head of the Mutt, the Learned Muzrai Commissioner ought to have found that the alienation made by him was void abinitio and that the 2nd Respondent had no rights vested in him under the

so

so called trust Deed and all his acts regarding the management of the properties and the income were ultra vires and illegal.

10. Considering that thousands of - - Rupees derived from the sale of the Causerina - plantation and by the lease of the properties - have been mis-appropriated by the Respondents to the prejudice of the institution the non interference by the Muzrai Officers is highly inequitable

Wherefore, the appellant most respectfully prays that the Government would be graciously pleased to set aside the order of the Muzrai - - Commissioner and cancel the Trust Deed and the - alienations made by the Respondents and call for an account of the income from the Respondents and - restore the properties and the income to the Mutt.

Prov. C.1476 32-33

OFFICE OF THE MUZRAI COMMR. ..... 9 - JUN. 1933 * IN *

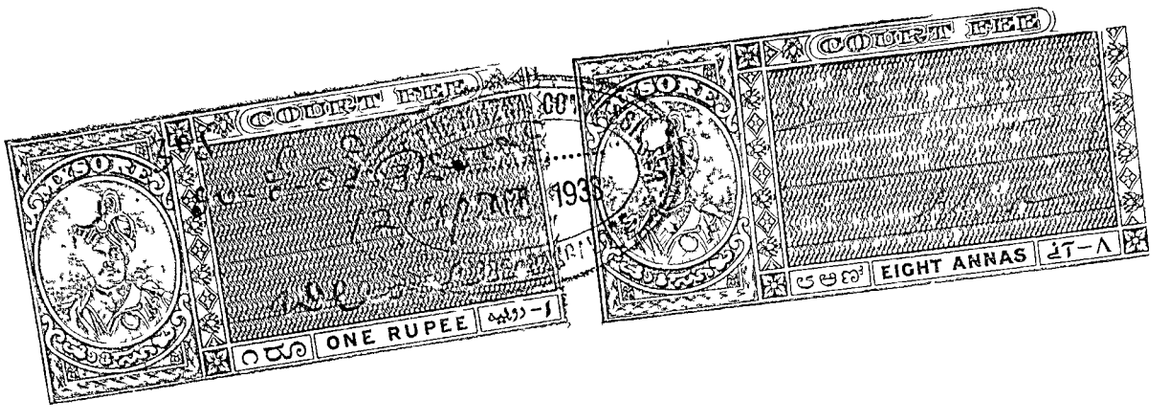
BANGALORE,

RN Srinivasan,
Advocate for Appellant

1741/Mcs 8-6-33

Forwarded with compliments to the Muzrai Commissioner for submission of records connected with the appeal together with his office file and the subject. + the return of the appeal petition - by order.

B Muniswamy 7/6/33
for Financial Secretary to Govt



Order of The Muzrai Commissioner in Mysore
Bangalore

Petitioner :— Sri Channabasavaswami, Chickpet, Bangalore City

Counter Petitioners.— (1) Sri Siddaveera swamigalu of Sri Karisiddeswara Mutt, Bangalore City
(2) Siddaya the Gurubasava sastry residing in the above Mutt (Trustee appointed by the I Petitioner.

Subject.

Dispute regarding the appointment of a mari to the Sri Kari Siddeswara Swami Matha, Bangalore city.

Facts of the Case

The Matha is a Muzrai institution having been endowed with inam lands in Byatarayanapura and other villages. In January 1930 the first Counter-petitioner petitioned this office stating that on account of illness and extreme old age he has nominated one Sri Thirumaleswara as his successor with the Consent of Settlers Yajamans and other Veerasaiva disciples and

requested that the nomination may be approved Mr. Siddaramappa and other leading Virasaiva disciples of the Mutt also presented a petition on 31st January 1930 stating that Siddaveeraswamy has neither the power to appoint a successor nor a trustee and that the right was vested in the Sri Murgi Mutt and requesting that his action in nominating Santhaveeradevaru as his successor and the latter's father as trustee may not be approved. Both the petitions were referred to the Deputy Commissioner for report and enquiry by the Sub Division Officer. Meanwhile, Channabasavaswamy claiming to be the recognised head of the Mutt presented a petition to the Deputy Commissioner praying that the permission sought for by Siddaveeraswami may be refused and that the moveable and immoveable properties of the institution may be handed over to his possession on the grounds that the Counter petitioner was only his locum tenens. The enquiry was conducted by the Sub Division Officer and after going through all the available evidence he has come to the conclusion that the case for the petitioner Viz., Channabasavaswami has been fully established

OFFICE OF THE MYSORE COMMISSIONER * 12. APR. 1933 * MYSORE.

and the Counter petitioner (Siddaveerasiwami) has not been able to shake it as the latter was only a locum tenens of the former and was not a properly Constituted Swami He recommends (1) that the Mutt and its properties be taken possession of, (2) That the Counter petitioners be evicted from the premises, (3) That the possession of the Mutt and its properties be handed over to the petitioner and (4) that the Mari and the Trustee appointed by the first Counter petitioner be refused recognition.

After hearing the advocates and examining the evidence the Deputy Commissioner opines that the Muzrai authorities are not Competent to interfere in the present disputes of the two Swamies, that it has not been shown that the previous approval of Government is necessary in regard to the selection of a Mari to the Mutt and that the disputes between the two Swamies should be adjudicated by a Civil Court of Competent jurisdiction

Parties were summoned before the Commissioner also and the Case was heard on 20th January 1933 when Counsels for both parties addressed the court

---

Order R Dis 191/32-33 Dated 24-3-1933

It seems to me That the Muzrai Department Cannot at this stage interfere in the affairs

of the Kari Siddeswaraswami Matha. The Petitioner Channabasavaswami has asked this office to take action not to recognise the appointment of a Mare r successor to the Matha by the opponent and to order consequential relief by way of prohibiting the latter from — alienating in any manner the property belonging to the Matha. It is to be stated in the first place that though this Institution enjoys Inam lands endowed by Government being a Matha the scope for interference by Government is limited to the circumstances set forth in Chapter IV of the Mysore Religious and Charitable Institutions Regulation and as pointed out by the Deputy Commissioner in his report no circumstances exist now which would justify such interference. The Matha is not now under Government management. Nor have circumstances arisen which will justify taking over the management of the Matha under section 25 of the Regulation nor has any complaint been made or information furnished under section 26 of mismanagement of the affairs of the Matha. The dispute as to who is the present rightful Swami of the Matha, whether it is the

OFFICE OF THE DIVISIONAL COMMISSIONER 12 APR. 1933 BANGALORE

petitioner or the opponent, cannot therefore be — decided by this office and the matter being of a civil nature the proper tribunal for its — decision is a civil court. It is quite true that incidentally the question, appointing a successor to the Matha has arisen and if this matter had come before us in the proper manner from the Swami of the Matha whose claim to the Headship of the Matha was undisputed, doubtless, the approval of Government to the nomination of the successor would have been necessary But in this particular case the Headship of the Matha being itself in dispute between the parties and the respective followers, the question whether the successor whom the opponent has proposed for nomination should be recognised cannot be usefully gone into. I therefore agree with the Deputy Commissioner that this is a matter in which no decision could be given at this stage At the same time I must express disagreement from the opinion recorded by the Deputy Commissioner that succession to Venkata Mathas of the kind now under reference does not need the approval of Government. As long as the Matha enjoys Government grants whether in the shape of Inams or cash, recognition of succession by Government to nomination (Vide G.O No. 233-42/Mug 102-92 dated 14th [illegible]

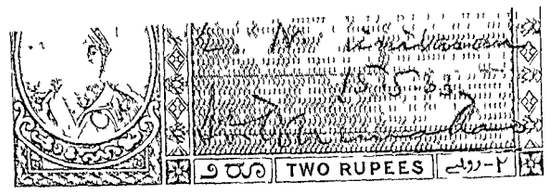
12 APR 1933

for the foregoing reasons the petition of Channabasavaswami asking for interference must be and is hereby dismissed

(Sd) S. Hanumaiya
Muzrai Commissioner

Copy applied by — Mr K N Srinivasan (advocate for Petitioner)
Copy applied on — 5-4-33
Copy delivered on — 12-4-33
No of words — 900
Copying fees — 1-2-0
Company fees — 3-0
1-5-0
Copied by — W Gopinath
Compared by — Hanumanthiah

"Copy"
Rangaswami Reddi
Manager
Muzr: Commr's Office



ಕೋರ್ಟ್‌ಫೀ

Before the Court of His Highness the Maharaja of Mysore ಕೋರ್ಟಿಗೆ
Bangalore

193 — 3 ನೇ Misc Appeal ನಂಬರು.

ವಾದಿ ಯಾ ಅರ್ಜೀದಾರ್	ಪ್ರತಿವಾದಿ ಯಾ ಆಪ್ಪೋನೆಂಟ್
Appellant	Respondents
Sri Chennabasava Swamy	1 Sri Siddaveera Swamy 2 Sri Hanti Gurubasava Sastry

Vs.

ಮ॥ ರಾ॥ ಕೆ. ಯ್ಯನ್. ಶ್ರೀನಿವಾಸಸ್ವ, ಎಂ ಎ., ಎಲ್ ಎಲ್. ಬಿ, ಅಡ್ವೊಕೇಟ್,
ಮ॥ ರಾ॥ ~~ಎಂ. ಪಿ. ಶ್ರೀನಿವಾಸರಾವ್, ಬಿ. ಎ. ಬಿ ಎಲ್. ಅಡ್ವೊಕೇಟ್,~~
ಮ॥ ರಾ॥ ಆರ್. ಪಿ. ವಾಸುದೇವ್, ಬಿ. ಎ. ಬಿ. ಎಲ್. ಅಡ್ವೊಕೇಟ್,
ಮ॥ ರಾ॥ ~~ಎ ಎಸ್. ಮಲ್ಲಪ್ಪ, ಬಿ ಎ. ಎಲ್ ಎಲ್. ಬಿ ಅಡ್ವೊಕೇಟರವರಿಗೆ~~ .
ಬಿ. ಎ ನಿ. ಬಾಂಡೆಲ್ಲಿ — ಬಿ. ಎ. ಎಲ್ಲವಲ್ಲ. ಬಿ .

Appellant ..... ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಅಪ್ಪೈರುವರಿವಿಗೂ ಕೋರ್ಟಿನ್ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನವರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮನಡಿಸಿ ಹಣ ವಸೂಲ ಮಾಡಿಕ್ಕೊಳ್ಳುವುದಕ್ಕೂ ರಾಜಿವಗೈರೆ ಪೈಸಲ್ಮಾಡಿಸತಕ್ಕ ಬಗ್ಗೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿಮೊಬಲಗೂ, ಶಿಲ್ಕು ಮೊಬಲಗೂ, ರೀಫಂಡು ಸ್ಟ್ಯಾಂಪು ಮೊಬಲಗೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸುಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ಸಹಿ

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇವೆ.

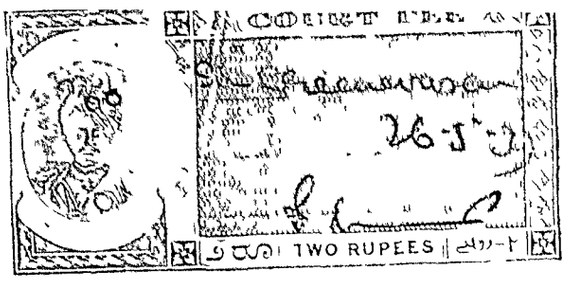
M N Srinivasan

B.S Chandrappa.

ಬೆಂಗಳೂರು,

ತಾರೀಖು — 193

ಅಡ್ವೊಕೇಟ್ಸ್ for Appellant



Mis 303-33

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE -

MAHARAJA OF MYSORE- BANGALORE.

Presented by Advocates clerk

Muzrai Appeal No. 32 of 1933 - 33.

APPELLANT:-	--(VS)--	RESPONDENT:-
Sri Chennabasava-Swamy of Karisiddevara-Mutt, Chickpet, Bangalore City.		1. Sri:Siddaveera-Swamy. 2. Siddhanti Gurubasava-Sastry, Karisiddevara-Mutt, Chickpet, - Bangalore City.

That on 15-5-1933, the appellant has preferred an appeal before the Government, against the order of the Muzrai Commissioner in Mysore - in No.R.Dis 191/32-33 dated 24/3/1933.

That in the enquiry held by the - Learned Sub Division Officer - Several important documents have been exhibited - and several - witnesses have been examined - and the Learned Sub-Division Officer also has submitted a report.

But neither the Learned Deputy - - Commissioner nor the Learned Muzrai Commissioner seem to have considered the evidence in the case. They have merely proceeded on a technical ground to decide the case - without considering the -

equities

equities in the matter.

It is therefore necessary to call for records in this case - and to give a hearing to - the appellant before final orders are passed.

Wherefore, the appellant respectfully prays that - he may be granted a hearing before the appeal is posted for orders.

BANGALORE,
26th May 1933.

RN Srinivasan.

ADVOCATE FOR THE APPELLANT.

No. 1176 Rec 11 Feb 33 with 3?-33 the office file & Board

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, ... 193 14

6.

Mus 302-32-4

FROM

S. HIRIYANNAIYA, ESQ., M.A., B.L.,

Muzrai Commissioner in Mysore,

Bangalore.

To

Secretary to the Government of His Highness the Maharaja of Mysore,

.....Department.

SIR,

With reference to your [illegible] ing for the records connected with the appeal [illegible] Basaveswara regarding the [illegible] Harisiddeswara Mutt, Chicapet, Bangalore City, I have [illegible] to forward herewith the entire records received [illegible] galore Deputy Commissioner's letter No. 30-3002/32-33 [illegible] 13-9-33 together with this office file No. [illegible] 24-3-33/1-4-33 in which the facts of the case [illegible] explained.

e applied education is renewed returned.

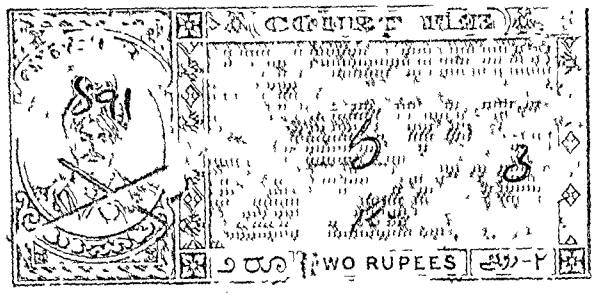
I have the honor to be,

Sir,

Your most obedient servant,

C. Kuchappa

For Chief Commissioner.
Absent from Headquarters



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE -
MAHARAJA OF MYSORE . BANGALORE.

Muzrai Appeal No. of 1932 - 33.

APPELLANT:-	--(VS)--	RESPONDENTS:-
Sri Chennabasava-Swamy of Sri - - Karisiddevara Mutt, Chickpet,Bangalore City.		1. Sri.Siddaveera-Swamy. 2. Siddhanti Guru-basava Sastry. Chickpet,Bangalore City.

That on 15-5-1933, the appellant has filed the above Appeal before the Government, - against the order of the Muzrai Commissioner in Mysore - No.R.Dis.191 of 1932-33 dated 24-3-1933. The said appeal is still pending disposal before the Government.

That in the meanwhile on 26-12-1933 the 1st Respondent died. That in so far as the claim of the 2nd Respondent or his son has not - been recognised by the Government or by the Muzrai Commissioner, — there is no recognised Swamy - excepting the appellant.

The appellant while he had gone to - Byadige for studies had entrusted the Mutt and its properties

properties to the 1st Respondent and when on - his return the appellant claimed back posession of the Mutt and the properties - the 1st Respondent refused to deliver the same to the appellant, and set up his own claim thereto, and - - effected an alienation of the same in favour of the 2nd Respondent's son whom he sought to appoint as his successor, and executed a deed of trust in favour of the 2nd Respondent as guardian and - - trustee of his minor son. But the Government - did not recognise this nomination of the successor and therefore the 2nd Respondent or his son do not get any right or interest in the Mutt or its properties.

That in so far as the appellant sought the aid of the Muzrai Officers to get back possession of the Mutt and its properties, the Lower Muzrai - - Officers, felt that it was not competent for them to interfere and that the appellant might proceed in - a Civil Court to get back possession. Against the said order the appellant has preferred the above - appeal.

But, by the death of the 1st Respondent there is no person who can now contest the Appellant's claim for possession. But taking advantage of the -

death

death of the 1st Respondent the 2nd Respondent who has no claim whatsoever, has been wrongfully misappropriating the properties of the Mutt.

WHEREFORE, the appellant most - - respectfully prays that the Government be pleased to allow the appellant to assume possession of the Mutt and its properties or if the Government deem it fit, the Lower Muzrai Officers might be directed to take possession of the Mutt and its properties immediately and avoid further waste and mis-appropriation by the 2nd Respondent.

BANGALORE,
3rd January 1934.

APPELLANT.

R N Srinivasan
Advocate for Appt

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. L 994 Dated, Bangalore, 18th January 193/

From Mg 303-32-6

The Financial Secretary to the Government of His Highness the Maharaja of Mysore,

To

The Muzrai Commissioner in Mysore,

Bangalore.

Sir,

With reference to the correspondence ending with your letter No. 1476/32-33 dated 6th October 1933 regarding the management of the properties of Sri Karisiddeswara Mutt, Chickpet, Bangalore City, I am directed to forward herewith petition dated 3rd January 1934 in the matter filed by Channabasavaswamy of the said Mutt and to request that steps may immediately be taken to secure the properties of the Mutt and to recognise the appellant as the Swami of the Mutt after ascertaining from the Sri Muzrai Mutt authorities that he is the person selected by them.

The records received with the letter under adverted to are

are herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,

for Financial Secretary to Govt.

c.n.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Mutt

File No. 303 - 32

Serial No.

~~3~~ Coords

Diary No. of letter replied to 753

No. 994

To

The Mc

General and Revenue Secretariat

( )

the 193 .

Date of issue 18/1/34

Signed by B. Muddu Krishnappa

Sir,

With reference to your ~~the~~ correspondence ending with your letter No. 1476/32-33 of 6.10.33 regarding the management of the properties of Sri Kari Siddeswara Mutt, Chickpet, Bangalore City, I am directed to forward herewith the petition ~~of~~ dated 3rd January 1934 filed in the matter filed by ~~the~~ Chamabasava Swamy of the said Mutt ~~and to the~~ requesting that steps may immediately be taken to secure the properties of the Mutt and to recognise the appellant as the Swamiji of the Mutt after ascertaining from the Mutt authorities that he is the person selected by them.

The records received with the

List of enclosures .....

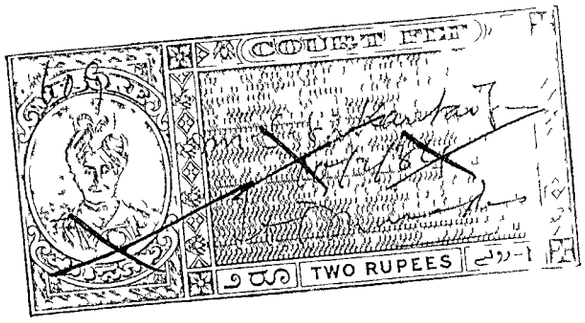
Copied by .....

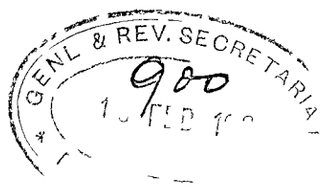
Examined by .....

WD 0677—GPB—15 000—11-33

letter with advance me
herewith returned.

Yours
17/1/34
Fr H-L





BEFORE THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE, BANGALORE.

Muzrai Appeal Petition No. 15 of 33-34

PETITIONER:--

Siddhanti Gurubasava Sastry, Karisiddawadiar Mutt, Chickpet, Bangalore City. (by Santavera Vadeer minor by guardian & trustee)

OPPONENT:--

Byadagi Channabasavaswamy, Veerabhadrappa's Chatram, Chickpet, Bangalore City.

RE:--Possession, succession and ownership of the Kari Siddawader Mutt, Chickpet, Bangalore City.

The petitioner abovenamed states as follows:--

1. The petitioner understands that at the instance of the opponent an exparte order has been passed that steps may be taken to secure the properties of the Kari Siddawader Mutt and to recognise the opponent as the Swami of the said Mutt after ascertaining from the authorities of the Murigi Mutt that he is the person selected by them.

Presented by Mr Sukantaya

Wants stay order Please note

13/2/34

2. The petitioner objects:--

(a) to the authority of the Gurgi Mutt to select a person to succeed to the Kari Siddavader Mutt,

(b) to the right of any such person to obtain possession and properties of the said Mutt

and

(c) to the right of the Government to the order in question.

3. The petitioner submits that on the merits of the case also the exparte order has to be vacated and the petitioner's right thereto confirmed for the following reasons.

4. The Kari Siddaveder Mutt is a big institution with a large number of devotees in and outside the City of Bangalore, presided over always by a Swami, generally elected by the previous senior swami of the said Mutt, with the consent of the devotees of the Mutt.

Sri Siddaveeraswami who was thus the presiding Swami of the Mutt, duly appointed more than thirty years ago, was conducting the religious functions in and management of the Mutt. His nomination had, further, been approved by the Government, as Head of this institution.

5. Sri Kari Siddavader Mutt is an inde-

independant institution, with its own traditions and usage, not subject to and uncontrolled by any other institution, including the Sri Murugi Mutt. The allegations to the contrary made by one Channabasavaswami, that this was a branch thereof, before the Amildar and praying for charge of the - Mutt and its properties from the deceased Siddaveeraswami, after ejecting him from his possession, were inquired into by the Muzrai authorities and ended in their declining to interfere in the matter. In that order R.Dis. 191/32-33 dated 24/3/33, the Muzrai Commissioner also held that disputes between the rival claimants was a matter for dicision by a civil court.

6. A perusal of the order referred to in para 5 will show that the opponent Channabasavaswami has no kind of title to the Mutt in question and that he is only interested in fomenting disputes and creating trouble.

7. Sri Murugi Mutt have not also at any time openly asserted their claim to the Mutt or any of its properties; much is that or any other institution concerned in its management.

8. In conformity with custom, usage and tradition of Sri Karisiddawader Mutt, the late Swami of this Mutt, during his lifetime, appointed a Mari to the Mutt and informed this fact to the Amildar but as the Mari was a minor, he -

directed

directed the management of the institution to be conducted by the petitioner abovenamed as Trustee during the period of his Minority.

9. The petitioner is thus in charge of the management of the Mutt and of its properties. No waste or damage has been caused, thereto nor is there danger of any.

10. The death of Sri Siddaveeraswami offers no ground of action to the opponent to disturb the petitioner's namagement or to the selection of a Mari either from the Murigi Mutt or others.

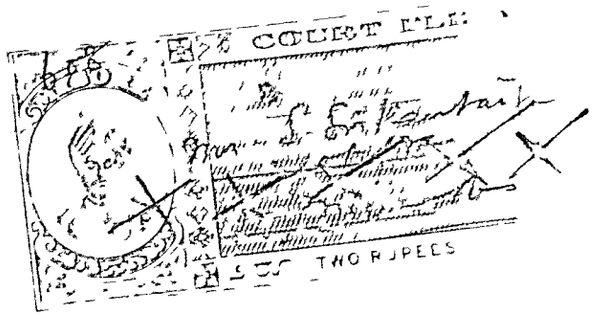
11. The petitioner also submits there are fundamental differences between the Sri Murugi Mutt and the institutions attached to it and this Mutt (i) The Murugi Mutt is a Virakta Matha where as Sri Kari Siddawader Mutt is a Pattadhikari institution resembling in its traditions, principles and observances, the Sri Balehonnur Mutt and similar institutions. (ii) This Mutt is a wader Mutt which the Sri Murugi Mutt is not.

12. The opponent is already the Swami of Byadagi Mutt in the Dharwar District and to suit his own purposes, has come forward with a claim alleged to have been recognised by Sri Murugi Mutt.

13. As observed by the Muzrai Commissioner in his considered order dated 24/3/33 already referred to, 'The scope for interference is limited to the circumstances set forth in Chap.IV of the Mysore Muzrai Regulation and as pointed out by the Deputy Commissioner no circumstances exist now which would justify such interference. The Matha is not under - Government management. Nor have circumstances arisen which will justify taking over the - management of the Matha under Section 25 of the Regulation nor has any complaint been made nor information furnished under Section 26 of mismanagement of the affairs of the Matha. The dispute as to who is the present rightful swami of the Matha, whether it is the petitioner or the opponent, cannot therefore be decided by this office and the matter being of a Civil - nature the proper tribunal for its decision is a Civil Court in this particular case, the - headship of the Matha being itself in dispute between the parties and the respective followers, the question whether the successor whom the - opponent has proposed cannot be usefully gone into'.

14. It is the opponent whose right was rejected in the above order has now put forward the same and obtained an exparte order.

15. Even on the allegations, if any, of the



In the Court of the

CASE No.

Appellant, Plaintiff.

Siddhanti Gurubasavalasti

V.S.

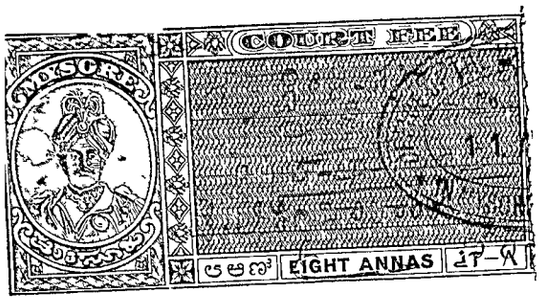
1. ..... the
presents retain Mr ... S. Sivaramaiya
conduct the above case on ... my ... behalf to ...
2. ..... further empower him to ...
may be passed in ... my behalf and to receive ... C...
refunds and such sums of money as ... may ...
receipts therefor.
3. ..... also undertake to ...
acts done by him in so doing

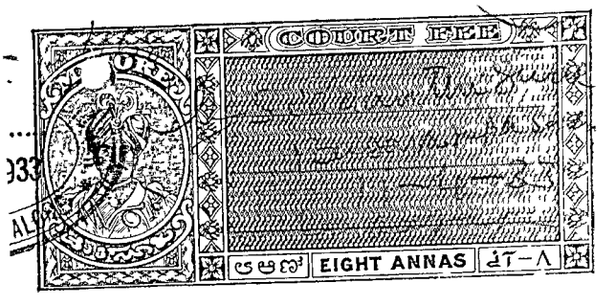
BANGALORE)
)

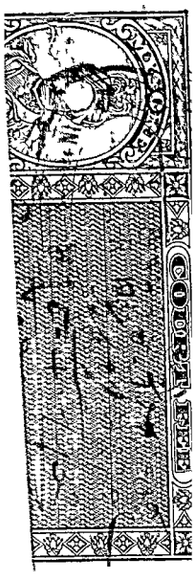
Accepted
S. Sivaramaiya
10.2.33

Advocate for

S. V. Press, B City.







Order of the Muzrai Commissioner in Mysore, Bangalore.

Petitioner :— Sri Channabasavaraswami, Chickpet, Bangalore City.

Counter Petitioners :— (1) Sri Siddaveeraswamigalu of Sri Kari Siddeshwara Mutt, Bangalore City.

(2) Siddanthi Gurulingaswamy, Assistant Physician in the above Mutt. (Trustee Objecting to the 1st Petitioner)

Subject.

Dispute regarding the appointment of a Mathadhipathi to the Sri Kari Siddeshwaraswami Mutt, Bangalore City.

Facts of the Case

The Mutt is a Muzrai Institution having been endowed with inam lands in Brijataraganapura and other Villages. On January 1930 the first Counter petitioner petitioned this office stating that on account of illness and infirmity of old age he has nominated one Sanmaveerade[illegible] as his successor with the Consent of Settlers, Mejamanis and other Veerasaiva disciples and requested that the nomination may be approved. Mr. Siddaramappa and other leading Veerasaiva disciples of the Mutt also submitted a petition on 31st January 1930 stating that Siddaveeraswami has neither the power to appoint a

successor nor a Trustee and that the right was vested in the Sri Murgi Mutt and requesting that his action in nominating Santhaveeradevaru as his successor and the latter's father as Trustee may not be approved. Both the petitions were referred to the Deputy Commissioner for report and enquiry by the Sub Division Officer. Meanwhile, Channabasava-swami claiming to be the recognised head of the Mutt presented a petition to the Deputy Commissioner praying that the permission sought for by Siddaveeraswami may be refused and that the moveable and immoveable properties of the institution may be handed over to his possession on the ground that the Counter-petitioner was only his locum tenens. The enquiry was conducted by the Sub Division Officer and after going through all the available evidence he has come to the conclusion that the case for the petitioner viz., Channabasavaswami has been fully established and the Counter petitioner (Siddaveeraswami) has not been able to shake it as the latter was only a locum tenens of the former and was not a properly Constituted Swami. He recommends (1) that the Mutt and its properties be taken possession of; (2) that the Counter petitioners be evicted from the premises; (3) that the possession of the Mutt and its properties be handed over to the petitioner and (4) that the Mari and the Trustee appointed by the first Counter petitioner be refused recognition.

OFFICE OF THE 11 APR

After hearing the Advocates and examining the evidence the Deputy Commissioner opines that the Muzrai authorities are not competent to interfere in the present disputes of the two Swamies, that it has not been shown that the previous approval of Government is necessary in regard to the selection of a Mari to the Mutt and that the disputes between the two Swamies should be adjudicated by a Civil Court of competent jurisdiction.

Parties were summoned before this office also and the case was heard on 20th January 1933 when Counsels for both parties addressed the Court.

Order. R Dis 191/32-33 Dated 24-3-33.

It seems to me that the Muzrai Department cannot at this stage interfere in the affairs of the Kari Siddeswara-Swami Matha. The Petitioner Channabasavaswami has asked this office to take action not to recognise the appointment of a Mari or successor to the Matha by the opponent and to order Consequential relief by way of prohibiting the latter from alienating in any manner the property belonging to the Matha. It is to be stated in the first place that — though this Institution enjoys Inam lands enjoyed by — Government being a Matha the scope for interference by Government is limited to the Circumstances set forth in Chapter IV of the Mysore Religious and Charitable Institutions Regulation and as pointed out by the Deputy Commissioner in his report no Circumstances exist now which would justify such interference. The Matha is not now under Government management. Nor have Circumstances ~~have~~ arisen which will justify taking

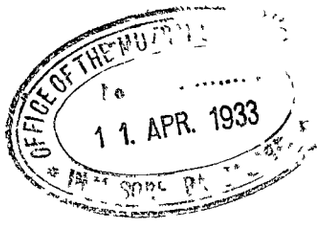
OFFICE OF THE ... IN MYSORE BANGALORE. No. ..... 11 APR. 1933

over the management of the Matha under Section 25 of the Regulation nor has any Complaint been made or information furnished under section 26 of mismanagement of the affairs of the Matha The dispute as to who is the present rightful Swami of the Matha, whether it is the petitioner or the opponent, cannot therefore be decided by this office and the matter being of a Civil nature the proper tribunal for its decision is a Civil Court It is quite true that incidentally the question of appointing a successor to the Matha has arisen, and if this matter had come before us in the proper manner from the Swami of the Matha whose claim to the Headship of the Matha was undisputed, doubtless, the approval of Government to the nomination of the successor would have been necessary. But in this particular case the Headship of the Matha being itself in dispute between the parties and the respective followers, the question whether the successor whom the opponent has proposed for nomination should be recognised cannot be usefully gone into. I therefore agree with the Deputy Commissioner that this is a matter in which no decision could be given at this stage At the same time I must express disagreement from the opinion recorded by the Deputy Commissioner that succession to Jivikta Mathas of the kind now under reference does not need the approval of Government As long as the Matha enjoys Government grants whether in the shape of Inams or Cash —

OFFICE OF THE CHIEF COMMISSIONER IN MYSORE BANGALORE. Ra..... 14 APR 1933

Cash, recognition of succession by Government is obligatory (Vide G.O. No. 233-42 Muz 102-92 dated 14-12-1892) For the foregoing reasons the petition of Chennabasavaswamy asking for interference must be and is hereby dismissed.

(Sd) S Hinamurya
Muzrai Commissioner



Copy applied by - Mr Siddanthi Gurubasavaswamy
Copy applied on - 5-4-1933
Copy delivered on - " Copy "
No. of words - 900
Copying fees - 1-2-0
comparing fees - 0-3-0
1-5-0.
Copied by - W Krishnaiah.
Compared by - C Jayaramaiah

Agamadrama Kanaj
Muz. Commr.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. R. 1105 — May 303-32

General and Revenue Secretariat,

Dated, Bangalore, ... *193*

FROM

The *Secretary to the Government of His Highness the Maharaja of Mysore.*
Financial Department.

To

Mr. Srikantaiya, B.A., L.C.,
Advocate, Chickpet,
Bangalore City.

SIR,
~~XXX~~

Dear Sir,

With reference to petition presented by you on 4th February 1934 on behalf of your client one Sri Vidyadhiraja Wadiyar by guardian and trustee Siddhanthi Gurubasava Sastri, Head of the Wadiyar Mutt, Chickpet, Bangalore City, I am directed to inform you that your request for a stay of the orders contained in the properties and headship of the Mutt cannot be complied with.

Yours faithfully,

for Financial Secretary to Govt.

1106/Mcg 19-2-34
To. Siddhanti Gurubasava Sastri

1107/1 19-2-34
To the Mcg Comr.

TRM.5

Appendix F G—1]

SUBJECT .....

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Section Mu3
File No. 303-32
Serial No.

Diary No. of letter replied to ....900....

No. 1105

To

Mr S. Srikantaiya BA BL
Advocate. Chickpet
Bangalore city

General and Revenue Secretariat

( )

the *193*

Date of issue 18/2/34

Signed by Mudaliar Krishnappa

Dear Sir,

With reference to petition presented by you on 13-2-34 on behalf of your client one Santhaveera Vadeer minor by Guardian and trustee Sri Shanthi Gurubasava Swamy, Karibasa Wadiyar Mutt Chickpet. Bangalore City stating that the executants has been forced to secure the services of Sri Kariveerappa

List of enclosures .....

Copied by .....

Examined by .....

~~write and to recognise~~ me Channabasava
~~Swami as the Swamiji of the Mutt~~
~~& praying that effect may not be given~~
~~to the ex parte order pending disposal~~
~~of your petition preferred by you,~~

I am directed to inform you
that your request for a Stay
passed in respect the ~~Management~~ properties of the Mutt
of the order ~~cannot~~ cannot be
complied with.

Yours faithfully

19/2/34

~~for~~ H Sec.

1106 of 19-2-34
Copy to Sri Shanthi Channabasava Swamiji
guardian of minor Santaveera Vadeer - Kanisidda
Wadeyar Mutt Chickpet Bangalore city.

B-O

19/2

~~for~~ H Sec

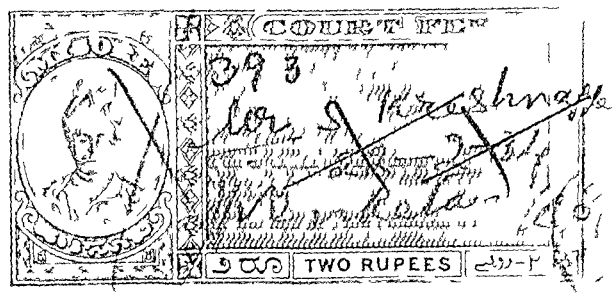
1107 of 19-2-34
Copy to M.C. ~~Chikballapur~~ Kolar
for information
of this office letter No 994/Rev 303-32-6
dt 18/1/34.

B-O

19/2

~~for~~ H Sec

19/2



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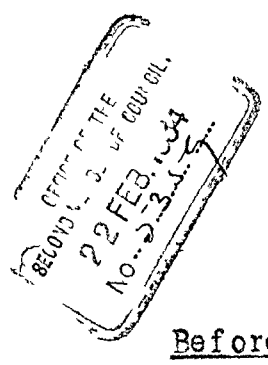


Before the Government of His Highness the Maharaja of Mysore, Bangalore.

My Review petn for 1933-1934 —

Presented by the Advocate

We, the undersigned devotees of the Sri Karisidda Wodeyar Mutt in the Divarch Galli, Doddapet Chowk, and the Settaru and prominent leaders of the Veerasaiva Community in the Bangalore City, beg to submit as follows:-

1. This is an independent religious institution with its own traditions. The mode of succession to the Mutt is that the Swami during his life time and with the consent of the Vegavantha Settaru and devotees and also leaders of the Veerasaiva Community, appoints a successor from Mari who becomes Swami of the Mutt after the death of his predecessors. The late Siddaveera Swamigalu was presiding over this Mutt for over 30 years and the building in which the Mutt is located was not endowed by Government. It is private property.

Jon 22/2/34

Order for Stay order Post-poned very early Jon 22/2/34

2. Sri Siddaveera Swami fell ill about five years ago when, in accordance with usage he summoned the devotees, Settaru and Vegavantha and leaders of the Veerasaiva community in Bangalore City. In this meeting, it was decided that one Santhaveera Muridevaru be [illegible]

Sri Siddaveeraswami accordingly appointed Kanthaveera Maridevaru who was in consequence named Kanthaveera Wodeyar and as he was a minor, his natural father Mr. Siddhanthi Gurubasava Sastri was, under a Registered Deed, appointed guardian of the minor Mari and Trustee of the Mutt and its properties during minority. We also took a Karar from Sri Siddaveeraswamigalu and the trustee to this effect. This was intimated to the Muzrai Commissioner under the Rules.

3. One Sri Chennabasavaswami, who is and has been Swami of Byadgi Mutt in the Dharwar District during last 20 years or more, petitioned the Muzrai Commissioner and the Deputy Commissioner falsely alleging that Sri Siddaveeraswami was his locum tenans under the Sri Murughi Mutt and that the Mutt and its properties should be handed over to him. The Sub-Division Officer held an elaborate enquiry, and reported to the learnod Deputy Commissioner who found the allegations to be untrue and opined that Sri Chennabasavaswami should at all events establish his claim in a Civil Court.

4. The Muzrai Commissioner in his considered order in Muz. 191/32-33 dated 24th March 1933 has observed that Sri Chennabasavaswami should establish his title in a Civil Court and that Muzrai Officers cannot interfere in the matter of taking possession of the Mutt and handing

handing it over to him. Against this order, Sri Chennabasavaswami appears to have preferred an appeal to Government, making both Sri Siddaveeraswamigalu and the Trustee as Respondents.

5. In December last, Sri Siddaveeraswamigalu died and taking advantage of this, it appears to have been represented that there was no need to further proceed in the appeal and an exparte order has been passed to the effect that the local Revenue Officers should take possession of the Mutt and that arrangements should be made to hand it over to Sri Chennabasavaswami - after obtaining some information from Sri Murugbi Mutt. We hear also that this order is likely - to be executed.

6. Being loyal subjects of His Highness the Maharaja, we strongly protest against this - order. It is a well recognized principle of - equity and good conscience that a party should be heard before orders adverse to him are passed. - This principle has not been followed at all and we wonder that such an omission should have been allowed to be made even in Government. Even if Sri Siddaveeraswamigalu was dead, there was his successor appointed by him with our consent and his guardian and Trustee. If notice had been - sent to him, he would have sought our instructions for doing the needful.

7. Further, without consulting us as to

the customary mode of succession in this independent Wodeyar Mutt, the Government have directed that instruction be sought from Sri Murughi Mutt which is presided over by a Viraktha Sanyasi, while Sri - Chennabasavaswami,who is already Swami of the Byadgi Mutt and aged more than 55 years, is unfit to be Swami of this Mutt and we - strongly disapprove of his selection to - this Mutt.

9. With due deference, we submit that the interference of Government is uncalled for. The demised Swami with our - consent has appointed a successor according to custom applicable to the succession in this Mutt. Thus, legal and satisfactory arrangements have been made for the carrying on of the ordinary business of the institution. Further, though the successor is a minor, a fit and proper guardian has also - been duly appointed.

10. In these circumstances, if the Government did not or would not recognize - the successors, we should have been asked - upon to choose and select another. The present <u>exparte</u> order is opposed to custom and - harmful,as it takes away from us our long-enjoyed right to the Mutt.

Wherefore

W h e r e f o r e , we pray that the order directing the local officers to take possession of Sri Karisiddo Wodeyar - Mutt be rescinded and that the appointment of the successor - Sri Santhaveera Wodeyar - in accordance with custom applicable to this Mutt be approved.

12) We further pray that, pending disposal of this humble petition, emergent orders be passed staying execution of the exparte - order in favour of Sri Chennabasavaswami.

Bangalore City,
21st February 1934.

Desada Rudra Setty 173 cottonpet Bangalore city

Desada. S. Rudrappa. Setty,
Mamool, Pet, Bangalore. city

K. N. Mahadevaiah.
Door No. 84, Chickpet, Bangalore city

మహంతినమతలు ఏబథదన్లో
శంభులింగాన్ను చిక్కన్నోంది

6th Siddaveeriah. chickpet. B. city.

కేశవ్ - - - -

బి చిక్కబు నేచ్చమడిలిచే ది

ధ్యాలక్ష్మీశా — ఆభరణాలంది-

శంఖాంతరియాస్థిపంజరాన్ని

G. Channaiah. Chickpet

K. H. . . . .

[illegible]

అంబాపిలిస్వామిబ్బన్నోది

Chikka

Phalaharaswamy mutt,
Chickpet, B. City.

J. Nagappa. Chickpet

M.B. జనకుడులు ఆదిమధ్యాంతరహితుడు

M.B. ఏ స్థితిలో నైనా శాంతంగా ఉన్నాడు.

[illegible]

దుర్గిన్నవ్వలి అదిశక్తిరూపంగా ని గంగాంబికలు

శ్రీ V. Byrappa Chickpet

కాంచోట్బట్టిన్నను

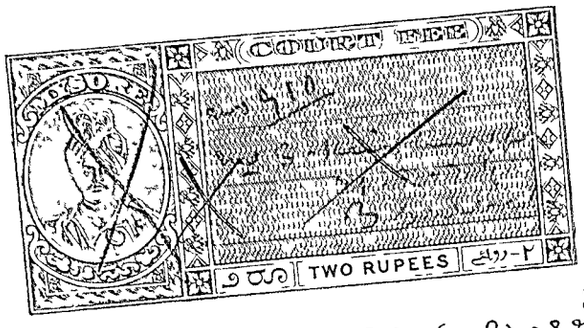
గాంధిగరపేట్లో

వసలాంగడ్డలులుసొన్నకొందు

K. Narayan. Victoria Avenue Road.

పెండ్ - కాం - పిల్లలు

పత్రంద్వి దూడ్డపేటి



ಬೆಂಗಳೂರು ಸಿಟಿ ಸಿವಿಲ್ ಕೋರ್ಟ್‌ನಲ್ಲಿ ~~ಕೋರ್ಟ್‌ಗೆ.~~

ನಂಬರು

1933 -34 ನೇ

ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್

Desada B. Rudrasetty
for the W

Vs

ಹೈಕೋರ್ಟ್ ಅಡ್ವೋಕೇಟ್. ಮ॥ ರಾ॥ ಎಸ್. ಕೃಷ್ಣಪ್ಪನವರಿಗೆ
M. R. ಎಸ್. ಕೃಷ್ಣಪ್ಪ

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಪೈರುವರಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರಿಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರೀಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ರಾಜಿ ವಗೈರೆ ಫೈಸಲ್ಮಾಡಿಸತಕ್ಕ ಬಗ್ಗೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ೀಪ್ಪಂಡು ಸ್ಟಾಂಪು ಮೊಬಲಗು, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸುಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಆಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದೇನೆ.

Desada B Rudra Setty.
Desada. S Rudrappa Setty. Mamool. Pet Bangalore. city
29-9-

R. ನಂಜುಂಡಪ್ಪ ಇಳಿಸಿಕೊಂಡೆ ಬಿ.ಸಿ.ಟಿ

ಈ ಮೊಖ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿದೇನೆ.

Advocate for Petitioner

ತಾ॥ 21/2/1934
ಬೆಂಗಳೂರು ಸಿಟಿ.

The P. P. Works, B—City.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 44. 1187 Dated, Bangalore, 5th April 193[illegible]

From

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore,*

To

The Muzrai Commissioner

in Mysore, Bangalore.

Sir,

I am directed to forward herewith [illegible] to request that [illegible] off[illegible] letter [illegible] [illegible] succession to the [illegible] of the [illegible] Vyasaraya Mutt, Chickpet, Bangalore City, [illegible] required for reference in connection with [illegible] against certain devotees of the Mutt.

I have the honour to be,
Sir,
Your most obedient servant,

For Financial Secretary to Govt.

HKS. 3.

pendix F G—1]

UBJECT .....

.....

.....

Section Mun

File No. 303 - 32

Serial No.

No. 1187 Home

To

The M.C

Sir,

I am directed to request you to be good enough to transmit as an early date as possible the records returned with this office letter No 994 dt 18.1.34 ~~regd~~ re: The necessity to enter a caveat in favour of Sri Kavitirtha Vadeer Mutt Chittoor Bangalore Civil Courts are requested for report in connection a representation Certain devotees of Mutt -

Thanks
2.2.34
HLS

ary No. of letter replied to 937

General and Revenue Secretariat

( )

the 193 .

te of issue 5/2/34

ied by Mudalakrishnappa

List of enclosures .....

Copied by 1/2/34

Examined by .....

WD 0677—G P B—15,000—3-11-33

HLS
2/2/34

D. O. No. 1286 Mog

GENERAL AND REVENUE SECRETARIAT

Dated, Bangalore, 23rd March 1934.

83

Dear Sir,

I am desired to invite reference to this office letter No.1187 dated 5th March 1934 and to request you to kindly expedite the return of the records called for therein, as the Muzrai Review petition relating to the Headship of Sri Kari Siddeswara Mutt, Chickpet, Bangalore City is posted for hearing on Monday the 9th April 1934.

Yours sincerely,

B Muddenshah

N. Madhava Rao, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

Appendix F G—1]

UBJECT .....

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.....

3 Copies

iry No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

of issue 23/3/34

Signature Muddukrishnappa

List of enclosures .....

Copied by 23/3/34

Examined by .....

Section M.C.

File No.

Serial No.

No. 1286

To

The M.C.

Dear Sir,

I am desired to invite reference to this office letter No. 1184 G/54/34 and to request you to kindly expedite the return of the records called for therein. Renewal petition relating to the Headship of Sri Kasi Siddeswara Mutt, Chickpet, Bangalore City is posted for hearing on Monday the 9th April 1934.

Yours faithfully

22/3

for Secretary

G.V.R.

22/3

REVENUE & REVENUE
1001
17 MAY
BANGALORE

In the Matter

To

[illegible]

[illegible]

[illegible]

Sir,

[illegible] Company, [illegible] to the [illegible] Company [illegible] the present [illegible] to this Company [illegible] subject to the control of the [illegible] viz. of the fact of [illegible] of facilitating the service [illegible] originally made [illegible] data called "Jamshedpur [illegible] Bangalore City.

In this connection [illegible] the Jeffrey Company, [illegible] Government itself, this [illegible] of Mutual Assistance [illegible] members of the [illegible] [illegible] service to the [illegible] are [illegible]

Notice in respect of Writ Peo. No
of 1934 to succeeding Sri Kasi Viswanatha
Chettiar, Bagalur &c. will be issued
to the following:-

(1) Sivadanthi Ramalingam &
(Petitioner) Mina Sankaravadivel
(Petitioners) represented by Mr
S. Srikantaiya

(2) Chamabagara Rowthu
(opposent)

(3) Mr. S. Krishnaswamy advocate
for certain Revenue Officers
Writ.

=

Order of the Member may
kindly be obtained as to whether a
notice may be issued to one of the
Signatories of the accompanying
petition - viz - the Secretary, Bagalur
Lingayat Education Association.

Put up on 24 to 27 Member with Case
Papers & Writ Petition.

22/3/34 ES 26/3.

GLJ. 26/3

[illegible] to [illegible]
[illegible] from [illegible] in [illegible]
[illegible] of the [illegible]
[illegible] with [illegible]
[illegible] in the case [illegible]
[illegible] of the [illegible] as
[illegible] in particular and all the Venerables [illegible]
ral and in the case of [illegible]
hands of the local Venerables. [illegible]
siding in the area for the [illegible]
power to appoint his successor should [illegible]
much less restrictive of the [illegible]
ciple guiding the selection [illegible]
ing and competency of character,
order to be able to enter [illegible]
spiritual needs of the community.

[illegible] to [illegible]
Instructions. [illegible]
seem to [illegible]
due to ignorance [illegible]
to the neglect [illegible]
there [illegible]
[illegible]
Christians, [illegible]
the Journey. [illegible]
[illegible]

of spiritual need that the Mutts are not functioning in the spirit of their original establishment, that the presiding Swamies are dealing with the properties of the Mutts as if they were their private property and that the succession is being bestowed on uneducational ~~relxtions~~ relatives have been the staggering facts against which Sri Jayadeva Swami of the Murigharajendra Mutta is fighting from the day he was installed as the Spiritual Head. We are thankful that with the gracious support of the Government of His Highness the Maharaja of Mysore, His Holiness has been considerably successful in improving the condition of the Veerasaiva Community in all its aspects.

We beg to be excused for the above general statement which may be verified by Government.

As regards the Karisiddeswara Swami Mutta referred to above, it is a Virakta Mutta under the control of the Sri Murigharajendra Swami who in view ~~of~~ to see that it served the interests of the Community appointed one Shanmukabasava Swami. But the latter had to go for education and spiritual training [illegible]

affairs of the Mata in the hands of one Siddaveeraswami. This person having asserted that he was the Swami, the matter has been before Government with complete facts. In the meantime he died and the office of the Swami of the Mata has automatically reverted to Chennabasavaswami.

But we hear that some persons are putting up a claim on behalf of a boy who is the son of a relation of the late Siddaveeraswami. We beg to state that we are interested in the service of this institution and we desire that Channabasava Swami who had been appointed to the Mata in question by the Sri Murugharajendra Swami and who by education and training is competent to carry on the functions of the Mata, may be permitted to take charge of the Mata and its property or that these may remain in the hands of the Government till the Government in consultation with the Sri Murugharajendra Swami settle who should be the Swami.

We beg to remain,
Sir,
Your most obedient servants,

Bangalore City,
28th February 1934.

G. Sambasivappa
Captain

[illegible] Secretary, Mysore Ten
Education Fund association.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

G. Channa Setti marwadi Merchant

S.A Rudrappa

B.M. Basappa cloth merchant Chickpet B'alr

G.M. Shankarappa, Grain Merchant

T. Mondaneerappa merchant

B.S. Bandeppa. B.A. — B. Advocate.

[illegible]

B.B. Subbappa. Cycle shop

Bom. Basavappa BA. LLB. Advocate, Bangalore

M. Chandrashekharappa Gen Light Tea Chickpet

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

S.S. [illegible]

S.G. Rudrappa Druggists Dodpete. B.

[illegible]

[illegible]

m m e d i a t e.

GENERAL AND REVENUE SECRETARIAT

O. No. /318 Mez

Dated, Bangalore, 2nd April 1934.

Dear Sir,

With reference to your D.O.letter No.1476/32-33 dated 18th March 1934, I am desired to state that the review Case re - the headship of Sri Karisiddeswara Mutt, Chickpet, Bangalore City is posted for hearing on 9th April 1934 as already intimated and to request you to kindly see that the records are obtained from the Deputy Commissioner's office immediately and sent to this office before the 4th inst., without fail.

Yours sincerely,

To

N. Madhava Rao, Esq., B.A., B.L.,

Muzrai Commissioner in Mysore,

B a n g a l o r e.

ppendix F G—1]

JBJECT .....

.....

.....

2 cubics

Section Secretary

Immediate File No.

Serial No.

...ry No. of letter replied to .....

No. 1318

To

The D.M.C.

Dear Sir,

With reference to your

D.O. Letter No. T 3

Dt. 28/7/34, I am

desired by Shri ... that the Revenue

Case re: The land in the Fort

Kanakodeguna Village Chicka ...

Bangalore City is hereby ...

vesting in the Government as already intimated to the applicant

and the ... may be handed

over to him. Further steps

are taken ... records from the

DCO Lower Officer immediately ...

sent to

Forward to ... this Office

List of enclosures .....

Copied by .....

Examined by .....

before the [illegible] the writ will without
fail.
[illegible]
[illegible]
[illegible]

2/4/34

GS
LL

No. 1476 Ewel Nine files
32-33

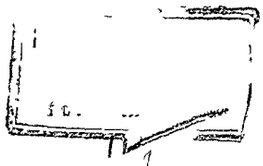
OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

Mz 3033

Dated, Bangalore, 31st March 1934
294.

FROM

N. Madhava Rau, Esq., B.A., B.L.,
Revenue Commissioner in Mysore.
Muzrai



To

S. Shamanna, Esq., B.A.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.

SIR,

With reference to your letter No.1187/Muz.332-32 dated 5th March 1934, requesting retransmission of the records relating to the succession to the Peeta of Sri Karisiddavodeyar Mutt, Chickpet, Bangalore -- City, I have the honour to forward herewith the entire records received with the Bangalore Deputy Commissioner's letter No.C.3.3332/33-34 dated 28th March 1934 (copy enclosed) together with this office file No.R.Cls 191/32-33 dated 1st April 1933 and to state that the facts of the case are explained in this office order dated 24th March 1933 enclosed in this office file.

I have the honour to be,

Sir,

Your most obedient servant,

N. Madhava Rau

Muzrai Commissioner.

arch .1 4 from the Deputy

r, Bangalore District to the Muzrai Commissioner in Mysore.

With reference to your Memo No.1476/32-33 dated 10-3-34 calling for the records re the succession to the Peeta of Sri Karisidda Vadiyar Mutt, Chickpet, Bangalore City, I have the honour to forward herewith the connected records received with the Bangalore Sub Division Officers memo No.B2-115/33-34 dated 26-3-34.

"C o p y"

For Muzrai Commissioner.

the Taluk Amildar is taking steps
of the Inam lands attached to the Mut. In the
Inam land at Gunjur six thousand causirina trees
at a heavy outlay of Rs.500--0--0 were got planted
by

Letter No.C3-3332/33-34 dated 28th March 19 4 from the Deputy Commissioner, Bangalore District to the Muzrai Commissioner in Mysore.

With reference to your Memo No.1476/32-33 dated 10-3-34 calling for the records re the succession to the Peeta of Sri Karisidda Vadiyar Mutt, Chickpet, Bangalore City, I have the honour to forward herewith the connected records received with the Bangalore Sub Division Officers memo No.B2-115/33-34 dated 26-3-34.

"C o p y"

For Muzrai Commissioner.

OFFICE OF THE SECOND MEMBER OF COUNCIL
7 JUL 1934
No. 186

Recd. D. No 22
186
7/7

BEFORE THE SECOND MEMBER OF COUNCIL TO THE
GOVERNMENT OF HIS HIGHNESS THE MAHARAJAH
OF MYSORE, BANGALORE.

Muzrai Review Nos. 15 & 16 of 33-34.

Re:- The Headship of Sri Kari Sidda Wadiar Mut, Chickpet, Bangalore City.

Petitioner:--

Santavira Wadiar, minor by Trustee, Sidhanthi Gurubasava Sastry, Sri Karisidde Wadiar Mutt, Chickpet, Bangalore City.

-VS-

Opponent:--

Byadige Chennabasava Swami, Gowder Veera bhadrappa's Choultry, Chickpet, Bangalore City.

The petitioner begs to state asfollows:-

1. This Karisidda Wadiar Mut in question is a Wadiar Mut or Acharya Mutt following and observing the ~~tenets~~ and principles of Panchacharya Peetha, while the Opponent is a follower of Sri Murgi Mutt which is presided over by a Sanyasi. So the - Opponent's claim is false and frivelous.

2. Subsequent to filing this review petitions, the Taluk Amildar is taking steps to take possession of the Inam lands attached to the Mut. In the Inam land at Gunjur six thousand causirina trees at a heavy outlay of Rs.500--0--0 were got planted by

by the petitioner through a tenant two years ago and it takes ten years more for these trees to become fit for cutting. But the Taluk Amildar sold the right of occupancy of this Inam Land with six thousand causerina trees for a period of five years at Rs.15--0--0 per year and a person set up by the Opponent other than the tenant who planted causerina trees has purchased it.

3. This land can yield absolutely nothing for ten years more and it is therefore not known what right has, in fact, been sold.

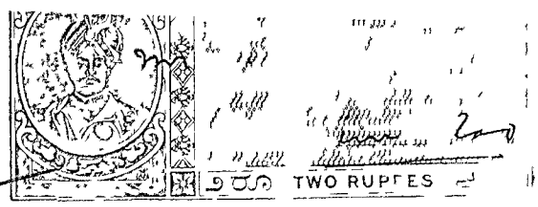
4. The petitioner apprehends that the Taluk Amildar wants to take steps to take possession of the Mut premises in which the petitioner with his guardian is residing. The Mut premises is not an Inam bestowed by Government while on the other hand it is private property. Hence it leads to complications and to unnecessary litigation to take possession of the Mut premises.

5. The petitioner prays that in the peculiar circumstances set forth supra, stay order be issued till the disposal of the review petition.

Bangalore,
5th July '34.

ಶ್ರೀ ೦೩ ಅರುಣಕ್ಕ

Petitioner.



Produced on 4/8/34

C. Sheshachar

In the Court of

Misc. Rev. No. 15 of 1933 — 1934.

Petitioners:-
M. Nagappa
and others

Vs.

We the petitioners abovenamed do hereby nominate constitute and appoint **Mr. C. Sheshachar, B. Sc., LL. B.,** *Advocate of the Chief Court of Mysore.* in the above case and do hereby empower the said advocate to appear for and on our behalf in the above case, to take all steps which may be necessary on our behalf arising out of, or, in connection with the above case either during progress or after its decision; to sign and subscribe his name to any document which he may deem proper, to execute any decree or order that may be passed in our favour and to receive out of the Court any refund of money which may be lodged or become payable or receivable on our behalf and on receipt thereof to grant receipt or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said case; to appoint one or more substitute or substitutes and to act and perform all other matters and things relating thereto or connected therewith; to represent us in matters relating to the same and to act as fully and effectually to all intents and purposes as we might do if personally present and did the same And we do hereby agree to pay all fees costs, charges and expenses which may be incurred and to allow, ratify, and to confirm whatsoever the said Advocate shall lawfully do or cause or procure to be done by virtue of these presents.

M. Nagappa
22 R.L.T.

Accepted C. Sheshachar
4.8.34

Signed before me by the executant who is known to me

Advocate C. Sheshachar 4.8.34

Advocate for

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, - - - 193-.

No. 189
Muz 303-32-4

From S. Shamanna, Esquire, I.A.S.,
Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

S. Srikantaiya, Esquire, I.A.S., B.L.,
Advocate, Chikpet, Bangalore City.

Sir,
~~Dear Sir,~~

With reference to your representation during the course of hearing of Muzrai Review No. 15 of 1932-34 re-the headship of Sri Karisidda Vadeer Mutt, Chikpet, Bangalore City on 14th August 1934, I am directed to inform you that your request for a stay order is granted.

Yours faithfully,

Sd/- S. Shamanna,

~~For~~ Financial Secretary to Government.

P.H.

Memo. No 160 /Muz 303 4/8/34

Copy of the above is forwarded, with compliments, to the Muzrai Commissioner in Mysore in modification of this office order No. 1107/Muz. 303-32- dated 10th December 1933 on the subject with the intimation that further proceedings may be stayed pending disposal of the review petition before Government.

By order,

For Financial Secretary.

Appendix F G—1]

SUBJECT ....

....

....

Section Nil

File No. 303-32

Serial No. 11

Diary No. of letter replied to ....

No. 169

To

Mr. S. Srikantaiya BA BL.
Advocate. Chicka

General and Revenue Secretariat

( )

the *193* .

Date of issue 4th Aug 1934

Signed by . Mr B. H-

Dear Sir.

With reference to your representation during the course of hearing of your Review Petition No. 15 of 33-34 re: the leasehold of Sri Kantirava Narasimha Raja Wadiyar in Chickpet Bangalore City, I am directed to inform you that your request for a stay order is granted

List of enclosures ....

Copied by ....

Examined by..... .. ..

WD 01956—GPB—22,500—12-6-34

Memo no 1608 by 4 B-3

Copy to the M.C. as notification

of this Office order no 1107 by

Mem 303-32

19.2.34 Office Subject with the intimation that

further proceedings may be stayed pending disposal of the Revision Petn.

~~Sd E.C.~~

B.O.

100

Sd 4/8

for H Sec

Sd

4/8

GEN'L. & REV. SECRETARIAT
168
9 AUG. 1934
MADRAS

SECOND MEMO OF LOU ETC.
7 AUG. 1934
No.

మల్లపల్లి శంకరలింగం పంతులు ఇరవయ్యవ నెంబరు సాక్షి

ఈ కేసులో శంకరయ్య తమ కుమారుడు రెండవ ముద్దాయి అయిన వీరభద్రుడు కొల్లూరు శంకరయ్య కోర్టు గ్రామము వీరశైవ వజ్రాంధ్ర పంచమసాలి అని చెప్పినారు —

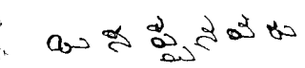
బెంగళూరులో ఉన్నప్పుడు వీరభద్రుడు వివాహం జరిగినట్లు నాకు తెలిసినది. వివాహ సమయంలో 15, 16, నెలలు ఉంటాడు. 33, 34 నెలలు అని కోర్టులో చెప్పినారు —

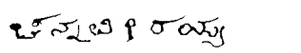
అడ్వొకేట్ చార్జ్.

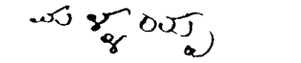
ధారవాడ జిల్లా రాణీబెన్నూరు కొల్లూరు శ్రీమన్మహారాజ గ్రామము వల్లభుడు వీరభద్రుడు అని

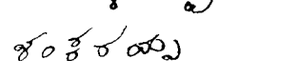
ఇరవయ్యవ సాక్షి అయిన మల్లపల్లి శంకరలింగం పంతులు ప్రమాణం చేసి చెప్పినది ఏమనగా —

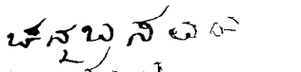
అడ్వొకేట్ దారులు, మేము ముద్దాయి తరపున వకీలు కందిరు వ. అడ్వొకేట్ అనే వాడు ఉన్నాడు అని నాకు తెలుసును. అడ్వొకేట్ దారు ఇతడు కాదు. ఈ వకీలు అడ్వొకేట్ దారు ఇతడు కాదు

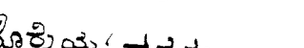


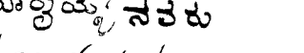


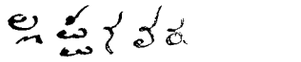


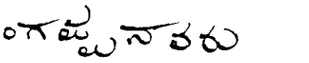


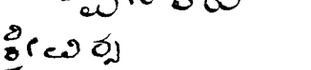


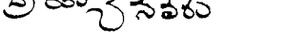


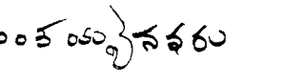


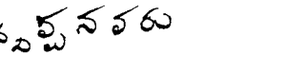


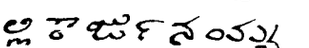


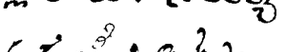


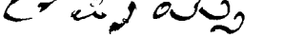












BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Muz.Review Nos. 15 and 16 of 1933-34.

Petitioners.-	-VS-	Counterpetitioners.-
1. Santaveera Vadeer Minor by guardian. Siddhantini Gurubasava-Sastri. 2. Desada Rudra Setty other devotees of Sri Kavisiddeswara Mutt, Chickpet, Bangalore City.		1. Channabasavaswami. 2. M.Nagappa, Sec, Mysore Lingayet Edn.Fund Association & other -- disciples of Sri Kavi-Siddeswara Mutt, Chick--pet, Bangalore City.

SUBJECT:-

Prayer for a reconsideration of orders passed in No.994/Muz.303-32-6 dated 18.1.1934, directing that steps be taken to secure the properties of Sri Kavisiddeswara Mutt, Chickpet Bangalore City and to recognise Channabasava--swami as the Swami of the Mutt after ascertain--ing from the authorities of Sri Murugarajendra Swami Mutt that he is the person selected by them.

FACTS OF THE CASE.

The Mutt is a Muzrai ~~xxxxxxxxxx~~ institu--tion endowed with inam lands. It is gathered from the records that one Channabasavaswami was previously the head of the Mutt. In 1909 the Swami of Sri Murgi Mutt directed the said Channabasavaswami to proceed for further stu--dies handing over charge (as personal ~~instru~~ ted) to one Siddaviraswami who was to look after the Mutt during the former's absence. After the return of Channabasaveswami the Athini whether he had gone for his studies

TYPING SECTION. 30 JAN 1935 GENL & REV. SECTT.

studies Siddaviraswami refused to hand over charge of the Mutt to the former. Channabasavaswami thereupon appealed to the Sub Division Officer, Bangalore who decided that Siddaviraswami ~~might~~ should be -- evicted and Channabasavaswami restored to the headship of the Mutt and that the ~~Mari~~ and the Trustee appointed by Siddasivaswami cannot be recognised ~~being un-~~ as appointed by unauthorised ~~-authorized~~. But the Deputy Commissioner Bangalore District expressed the opinion that no interference was called for by the Muz.Officers in the case, that the claim for the headship of the Mutt should be established in a Civil Court and that it ~~has~~ has not been shown that the previous approval of Government ~~is~~ has necessary in re-gard to the selection of a mari to the Mutt. The Muzrai Commissioner agreed with the Deputy Commissioner in respect of the claim for the headship of the Mutt, but differed from him in respect of the selection for the headship of the Mutt and held that succession to Viraktha Mutts of the kind required the approval of Govt. so long as they enjoyed Government grants whether in the shape of inams or cash. Channabasavaswami appealed to Government against the above decision of the Muzrai

Mazrai Commissioner. While this petition was under consideration, he submitted ano her petition dated 3.1.1934 stating that the respondent viz., the said Siddaveeraswami passed away and praying in the circumstances that the Mutt properties may be ordered to be taken possession of by local Mazrai Officers to avoid further waste and misappropriation by Siddhanthi Gurubasava Sastry, the trustee appointed by the deceased Swami and that he (Channabasavaswami) may be allowed to resume charge as Head of the Mutt.

The above petition dated 3.1.1934, was forwarded to the Mazrai Commissione with the request that (1) steps may immediately be taken to secure the properties of the Mutt and (2) to recognise Channabasavaswami as the Swami of the Mutt after ascertaining from the Murgi Mutt authorities that he is the person selected by them.

It is in respect of the above order of Government communicated to the Mazrai Commissioner that the present revision petitions have been preferred.

The case was called on Thurs-

Friday the 17th August 1934. Mr. S. Srikantaiya, Advocate for the 1st review petitioner and Messrs. C. Krishnappa and V.R. Vasudevasastri Advocates for the second set of review petitioners were present and were heard. Mr. K.N. Srinivasan, Counsel for the 1st Counter-petitioner and Mr. C. Seshachar, counsel for the 2nd set of counterpetitioners, were also present and were heard.

ORDER.

Government agree with the Muzrai Commissioner that succession to Mutts of the kind under consideration requires the previous sanction of Government as they enjoy inam lands granted by Govt. The succession to the headship of this particular mutt has to be settled by Government in accordance with the rules on the subject. The review petitioners contend that as regards the claim of the counter-petitioner for being put in possession of the Mutt, nowhere previously has his right been ~~formally~~ acknowledged by Government ~~and that~~ that the alleged right of Sri Murgi Mutt to nominate the head of this Mutt does not exist at

all and that he has therefore no right to be the head of the Mutt. After careful examination of the circumstances, Government agree that there is force in this contention. The previous order of Government dated 18.1.1934, is modified in this respect. It appears from the records that Siddaviraswami is now dead and steps have therefore to be taken now to recognise some person to the headship of the Mutt. This may be done now, and the claims, if any, of Channabasavaswami may also be considered in this connection.

1092/Muz.303-32-12 & 31-1-35

Copy of the above is forwarded, to Mr.S.Srikantaiya, B.A.,B.L., Advocate for the first review petitioner with the intimation that the stay order communicated in this office letter No.159/Muz.303-32 dated 4.8.1934, is withdrawn.

By Order,

Chief Secry to Govt.

1093 & 31-1-35

Copy to Messrs. G.Krishnappa and V.P. Vasudeva Sastri, B.A., LL.B., Advocates for the second set of review petitioners.

By Order,

Chief Secry to Govt.

1094 & 31-1-35

Copy to Mr.K.P.Srinivasan, M.A., LL.B Advocate for the 1st Counterpetitioner.

By Order,

Chief Secry to Govt.

1095 & 31-1-35

Copy to M.C.Seshachar, B.A., LL.B., Advocate, for the 2nd set of Counterpetitioners.

By Order,

Chief Secry to Govt.

1096 § 31-1-35-

Copy of the above, is forwarded, with compliments, to the Muzrai Commissioner, for necessary action with the intimation that the stay order communicated in this office letter No.160 dated 4.1.1934, is withdrawn.

By Order,

DRAFT)
Chief Secry to Govt.
25/1/35

GS 24/1

M.M.P.2/25.1.35.